

***Academic literacy practices of African-language-speaking, first-year Private
Law students at a multilingual university***

by

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DECLARATION

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ABSTRACT

The use of African languages in higher education is much debated and yet it remains an issue that lacks informed implementation plans and strategies. This is a transdisciplinary study which integrates academic literacy practices, law discourse, multilingualism and law education, with attention given to affordances for the intellectualisation of African languages. In this study, students who have African languages as their home language were consulted and observed in terms of their actions in lectures and tutorials during the course of a year in which they studied Private Law 1 at a university in the Western Cape, a province of South Africa. This study argues that African languages carry an investable currency that can be profitably used concurrently with other languages to yield desirable academic productivity. This suggests the existence of affordances for humanising translanguaging practices in the Private Law 1 module. There were 17 participants: two Private Law 1 (Law of Persons and Family Law) lecturers, 4 tutors, and 11 students with indigenous African languages of South Africa as their home language. Adopting an interpretivist paradigm, this case study is mainly qualitative, while taking into consideration a crucial quantitative approach to data analysis to achieve a rich interpretation of results. Theoretically, a humanising pedagogy was the umbrella premise for a radical theory of education based on critical pedagogy, translanguaging theoretical and pedagogical studies as well as ecology theories.

The study aimed to investigate the following questions: (1) What are Private Law 1 students' mindsets on the use of African languages to meet course demands and academic challenges in the Private Law 1 course? (2) How could translanguaging practices humanise pedagogical practices in Private Law 1 dual-medium lectures with African-language-speaking students? (3) What possibilities are available for the employment of multilingual learning strategies to develop academic literacy practices of Private Law 1 students who use African languages at home? Data were gleaned from field notes on tutorial and lecture observations; questionnaires completed by Private Law 1 lecturers; semi-structured, face-to-face, individual oral interviews with tutors and students; focus group discussions with students; and questionnaires completed by students.

Findings from this study indicated that Private Law 1 students generally disfavoured dual-medium lectures. They identified imbalanced code switching in lectures as an academic disadvantage. These students however acknowledged the co-language strategies and lecturing styles that were useful to their learning. The study discovered that languaging strategies such as code switching were not the only contributor to academic performance and provided insights into the complexity of first-year study, especially for those student participants who formed a minority in the Private Law 1 class. Regarding language of cognition preferences in parallel-medium tutorials, all 11 student participants, including the ones who were proficient in Afrikaans, chose the English medium over the Afrikaans medium. The study revealed that the students, regardless of whether they matriculated at former Model C schools or attended other public schools, assigned value to the use of their African home languages

with English (translanguaging) in unofficial, self-directed, communal learning activities outside the classroom. However, these students lacked the ability to draw academic and critical literacies from African languages owing to their low level of academic language skills in their mother tongue. This shortcoming may be either due to having studied an African home language as a third-language subject, or not having studied indigenous African languages of South Africa at a further education and training level. This meant that translanguaging as a multilingual learning strategy could not be exploited to the adequately at university level. However, students' connectedness to their African home languages was still evident, and the value of the usefulness in the manipulation of legal content presented in English was appreciated by the students even though they could not optimally improve academic literacy practices in Private Law 1.

These African-language-speaking students demonstrated a sociopolitical stance towards learning in their mother tongues where and when practicable, regardless of whether they had attended former Model C schools or not. However, all the students in this case had a strong sense of the importance bestowed upon English. While this was so, the converse mindset of a majority of the students was that of not seeing value in their home languages in their future sphere of legal professional practice after graduation. This mindset went was accompanied by the claim that law firms practise in English. For this reason, this study recommends that law education should consider intensifying critical consciousness-raising and sensitisation around the relationship of multilingualism within the legal practice in the South African context.

Insights gained from this study advocate for the creation of opportunities for students to engage in translingual practices for the attainment of epistemological access and cognitive justice. Findings provided by the study make an authentic contribution in the field of applied language studies and literacy. These results are also potentially useful in the domains of curriculum studies and policy studies in a South African higher education multilingual landscape. This is in consideration of the potential of African languages to carry out intellectual roles for the enhancement of academic literacies in law.

OPSOMMING

Alhoewel die gebruik van Afrikatale in hoër onderwys gereeld gedebatteer word, is dit 'n kwessie wat ingeligte implementeringsplanne en -strategieë kortkom. Hierdie is 'n transdissiplinêre studie wat akademiese geletterdheidspraktyke, regsdiskoers, meertaligheid en regsonderwys integreer met aandag aan die ruimte wat geskep kan word vir die intellektualisering van Afrikatale.

In hierdie studie is studente wat Afrika-tale as huistaal het, geraadpleeg en waargeneem wat betref hul gedrag tydens lesings en tutoriale in 'n jaar wat hul Privaatreg 1 aan 'n universiteit in die Wes-Kaap, 'n provinsie van Suid-Afrika, geneem het. Hierdie studie redeneer dat Afrika-tale 'n belegbare instrument bied wat voordelig saam met ander tale ingespan kan word om die gewenste akademiese prestasie te lewer. Dit dui op die bestaan van moontlikhede vir die humanisering van transtalingspraktyke in die Privaatreg 1-module. Daar was 17 deelnemers: twee dosente in Privaatreg 1 (Personereg en Familiereg), vier tutors, en 11 studente met inheemse Afrika-tale van Suid-Afrika as huistaal. Met die aanvaarding van 'n interpretivistiese paradigma was hierdie gevallestudie hoofsaaklik kwalitatief, met inagneming van 'n kritiese kwantitatiewe benadering tot dataontleding, ten einde 'n uitgebreide interpretasie van resultate te verkry. Teoreties was 'n humaniserende pedagogiek die oorkoepelende veronderstelling vir 'n radikale opvoedingsteorie gebaseer op kritiese pedagogiek, transtaling-teoretiese en -pedagogiese studies en ekologieteorieë.

Die probleme wat in die studie ondersoek is, het die volgende vrae omvat: (1) Wat is Privaatreg 1-studente se ingesteldhede jeens die gebruik van die Afrika-tale sover dit voldoening aan die kursus- en akademiese uitdagings van die Privaatreg 1-kursus betref? (2) In watter mate kan transtalingspraktyke pedagogiese praktyke in Privaatreg-dubbelmediumlesings met Afrikataalsprekende studente humaniseer? (3) Watter moontlikhede is beskikbaar vir die aanwending van veeltalige leerstrategieë ter ontwikkeling van die akademiesegeletterdheidspraktyke van Privaatreg 1-studente wat die Afrika-tale tuis gebruik? Data is verkry uit veldnotas oor waarnemings tydens tutoriale en lesings; vraelyste wat deur Privaatreg 1-dosente ingevul is; semi-gestruktureerde, aangesig-tot-aangesig-, individuele mondelinge onderhoude met tutors en studente; fokusgroepbesprekings met studente; en vraelyste wat deur studente ingevul is.

Die bevindinge uit hierdie studie dui daarop dat Privaatreg 1-studente oor die algemeen nie ten gunste van dubbelmediumlesings was nie. Hulle het ongebalanseerde kodewisseling in lesings as 'n akademiese nadeel uitgewys. Dié studente het egter erkenning gegee aan die kotalingstrategieë en lesingstyle wat nuttig vir hul leer was. Die studie het bevind dat talingstrategieë soos kodewisseling nie die enigste bydraer tot akademiese prestasie was nie, maar dat dit ook insig in die kompleksiteit van eerstejaarstudie bied, veral vir dié studente wat 'n minderheid in die Privaatreg 1-klas gevorm het. Wat betref die taal van kognitiewe voorkeure in parallelmedium-tutoriale, het al 11 studentedeelnemers, ingesluit diegene wat Afrikaans goed ken, die Engels-medium bo die Afrikaans-medium gekies. Volgens die studie

het die studente, ongeag of hul aan die voormalige Model C-skole gematrikuleer het of ander skole bygewoon het, waarde toegeken aan die gebruik van hul Afrika-huistale, met Engels (transtaling) in nieamptelike, selfgerigte, gemeenskaplike leeraktiwiteite buite die klaskamer. Hierdie studente kon egter nie akademiese en kritiese geletterdhede uit die Afrika-tale put nie vanweë hul lae akademiesetaalvaardigheidsvlak in hul moedertaal. Hierdie tekortkoming kan toegeskryf word aan die feit dat hulle óf 'n Afrika-huistaal as net 'n derdetaalvak geneem het óf nie inheemse Afrikatale van Suid-Afrika op 'n voortgesetteonderwys-en-opleidingsvlak geneem het nie. Dit beteken dat transtaling as 'n veeltalige leerstrategie nie behoorlik ontgin kan word nie. Die studente se verbintenis tot Afrika-huistale was nietemin steeds duidelik, terwyl hulle die bruikbaarheidswaarde by die manipulasie van regsinhoud wat in Engels aangebied word, waardeer het, selfs al kon hul akademiese geletterdheidspraktyke in Privaatreg 1 nie optimaal daardeur verbeter word nie.

Hierdie Afrikataalsprekende studente het 'n sosiopolitieke ingesteldheid getoon wat betref leer in hul moedertale, waar en wanneer prakties moontlik, ongeag of hul voormalige Model C-skole bygewoon het of nie. Al die studente het egter in dié geval 'n sterk besef getoon van die belang wat aan Engels verleen word. Die teenoorgestelde ingesteldheid van die meerderheid studente was egter dat hulle nie waarde sien in die gebruik van hul huistale in die toekomstige sfeer van die professionele regspraktyk ná graduering nie. Hierdie ingesteldheid het gepaard gegaan met die aanspraak dat regsfirmas in Engels praktiseer. Om hierdie rede beveel die studie aan dat daar by regsopvoeding oorweging geskenk word om kritiese bewusmaking en sensitisering rondom ingesteldhede oor veeltaligheid in die regspraktyk in die Suid-Afrikaanse konteks te verskerp.

Volgens insigte wat uit hierdie studie verkry is, word daar aanbeveel dat geleenthede geskep word vir studente om by transtalingspraktyke betrokke te raak met die oog op die bereiking van epistemologiese toegang en kognitiewe geregtigheid. Die bevindinge wat die studie verskaf, lewer 'n outentieke bydrae op die gebied van toegepaste taalstudie en geletterdheid. Hierdie resultate is ook potensieel nuttig in die domein van kurrikulumstudies en beleidstudies in 'n meertalige Suid-Afrikaanse hoërsonderwyslandskap. Dit ondersteun die potensiaal wat die Afrika-tale inhou om op intellektuele vlak uitvoering aan die verbetering van akademiese geletterdhede in die regte te gee.

ISISHWANKATHELO

Umba wokusetyenziswa kweelwimi zemveli zaseAfrika kumaziko emfundo ephakamileyo sekulithuba ushukuxwa, ibe indima yempumelelo esele idlaliwe ngokwezenzo ingabonakali kuyaphi ngokwezindululo ezivela kwabo bachaphazelekayo. Olu luphando olunxaxhileyo lubandakanya iindlela yokusebenisa ulwimi ngokusesikweni kwezemfundo, ulwimi lwezomthetho, intlanganisela yeelwimi kwakunye nokufundiswa nokufundwa kwezomthetho, apho amathuba anokuvela okusebenzisa iilwimi zaseAfrika ngokobuncuba-buchopho athi anikwe ingqwalasela. Kolu phando, abafundi abathetha iilwimi zase-Afrika ekhaya bayaphandwa kunyaka ababefunda ngawo iPrivate Law 1 kwidyunivesithi ekummandla waseNtshona Koloni. Ingxoxo yolu phando ithi iilwimi zaseAfrika zinexabiso elinokuba neziqhamo ezincomekayo xa zinokusetyenziswa nezinye iilwimi ngaxeshanye kwimfundo.

Olu phando lucele umngeni ekunyahashweni kwengcinga yokuba iilwimi zemveli zaseAfrika azibalulekanga kulwakhiwo lolwazi edyunivesithi kwaye lulwimi lwesiNgesi kuphela ekunokufundwa ngalo ngempumelelo. Ingxoxo ephambili yolu phando ithi iilwimi zaseAfrika zingasetyenziswa ngempumelelo ndawonye nolwimi lwesiNgesi ukuphuhlisa ulwazi. Olu phando luphendula imibuzwana emithathu: (1) Abafundi bayibona njani le nto yokungeniswa kweelwimi zemveli zaseAfrika edyunivesithi njengeelwimi zokufunda nokufundisa, ukukhawulelwana nemiceli-mngeni yemodyuli iPrivate Law 1? (2) Ziintoni ezinokwenziwa ngabafundi abathetha ezi lwimi emakhayeni wabo ukusebenzisa iindlela zokudibanisa iilwimi ezininzi ukuphuhlisa ulwazi lwenkqubo yokuqonda nokwakha ulwazi? (3) Inkqubo yokusetyenziswa kweelwimi ezininzi ndawonye nangaxeshanye ingenziwa njani ngendlela ebeka iimfuno nesidima somntu phambili kwiiklasi zePrivate Law 1, apho kulandelwa khona inkqubo yomgaqo wokusetyenziswa kolwimi ekuthiwa yi‘dual-medium’ ngolwasemzini, kube kukho nabafundi abathetha iilwimi zaseAfrika? Ngokoncwadi lwethiyori, i-Nkqubo yoFundisa nokuFunda ebeka ukubaluleka koMntu esizikithini senkqubo yokufunda nokufundisa yiyo eliphiko leembono ezisetyenzisiweyo kolu phando: Imbono yobuTshazintambo yeMfundo, Imbono yoNxibelelwano noMmandla neyokuXutywa kweelwimi xa kuFundwa naxa kuFundiswa kulemodyuli yePrivate Law 1 (Law of Persons and Family Law). Babelishumi elinesixhenkxe (17) abathathi-nkxaxheba abazinikelayo ngokutyikitya amaxwebhu kolu phando: abahlohli bePrivate Law 1 ababini (2), abancedisi babahlohli abangabaxhasi babafundi kwizifundo zabo abane (4) kwakunye nabafundi abalishumi elinanye (11) abasebenzisa iilwimi zemveli zaseAfrika ezisesikweni eMzantsi-Afrika kumakhaya wabo. Kusetyenziswe uluvo lotoliko ngokwengqiqo ubukhulu becala, lungashiywanga nolo lutolika ngokobungakanani beziganeko okanye iinkcukacha-manani ukuze kutyetyiswe uhlalutyo notoliko lweziphumo. Imithombo yeenkcukacha ibandakanya amanqakwana okubukela iiklasi zabaqoqi bolwazi nezabahloli babafundi; udliwano-ndlebe olungacwangciswa kuyaphi nomntu ngamnye kubaqoqi bolwazi kwanabafundi; ingxoxo neqela labafundi; amaxwebhu emibuzo agcwaliswe ngabafundi; amaxwebhu emibuzo agcwaliswe ngabahlohli bemodyuli Private Law 1; iincwadi zabafundi zoshwankathelo lwezifundo ebezinikezelwe ngabahlohli eklasini kwakunye neziqendu zencwadi emisiweyo ezishwankathelwe ngaphandle kweklasi.

Iziphumo zolu phando zingqinelana nengxam yengxoxo yokuba ikhona indlela efanelekileyo ezinokusetyenziswa ngayo iilwimi zaseAfrika kwizifundo ezifuna ingqondo ehlikihlekileyo kwiiklasu ze*Private Law I* zabaqoqi bolwazi nabahlohli apho kukho abafundi abantetho zahlukahlukeneyo.

Olu phando ludandalazisa ukuba abafundi, kubandakanya nabo baphumelele imatriki kwizikolo ezifumileyo ngokwezixhobo ezikumngangatho ophezulu zokufunda nokufundisa, bayazingca ngeelwimi zabo kwaye bazibona zinexabiso xa bebonisana ngemicimbi yezifundo zabo tyishi ngaphandle kwegumbi lokufundela. UkuSetyenziswa kweeLwimi ngeeLwimi akukhange kubancede kyaphi abafundi kwicala lokuziqonda nzulu izinto ezihambela nokusetyenziswa kolwimi ngobuchule nangendlela yasesikolweni kwiilwimi zabo zasekhaya zase-Afrika kuba uninzi lwabo bazifunde ezilwimi kwimatriki njengeelwimi zesithathu abanye abazifundanga, baze ke ngoko balambatha kwizakhono zokwimi ezikwizinga eliphezulu ngokwasesikolweni kwiilwimi zase-Afrika. Eli xabiso linxulumene nophononongo lolwazi olubhalwe ngesiNgesi xa behlangene, ilunda ngobuni nemvelaphi kwakunye nokusetyenziswa kolwimi lwenkcubeko kunye nentlalo yezopolitiko. Imbono zabafundi zithande ukubetha-bethana malunga nokungeniswa kwezi lwimi zaseAfrika kwinkqubo yokufunda nokufundisa edyunivesithi. Noxa kunjalo, uninzi lwabo luyamkele le mbono yeli phulo kodwa bezibeka neengcingane ezibaxhalisayo. Ukuzityanda kwabo igila abafundi kubonakalisa ukuba nje jikelele abakhange bakholwe yinkqubo yomgaqo wokusetyenziswa kweelwimi ezimbini eklasini. Loo nto ke kambe ayibathintelanaga ukuziqaphela izakhono zabahlohli malunga nosetyenziso lweelwimi ezimbini ngokubhaliweyo ngaxeshanye ezithe zabanceda baqonda ngcono. Malunga nalo mba, olu phando lukhankanya into yokuba indlela yokusetyenziswa kolwimi ngendlela yokubolekisa ngamathuba, asiyiyo yodwa enegalelelo kwiziphumo zabafundi ingakumbi xa kunokuqhatselwa umcimbi ombaxa wokuba kunyaka wokuqala edyunivesithi, babe ke nabafundi abo beligcuntswana.

Imbono ezize nolu phando zithethelela into yokudalwa kwamathuba okusetyenziswa kweelwimi zakwaNtu nezinye ezikhoyo, ingakumbi ulwimi lwesiNgesi abakwaziyo ukuluthetha bonke aba bafundi bebethabatha inxaxheba kolu phando ukuze bakwazi ukufikelelela kulwazi, baluphuhlise, bakwazi nokuyila ulwazi olutsha besebenzisa iilwimi zabo zeenkobe ndawonye nezinye ukulola ingqondo. Olu phando luze neziphumo ezinobuciko kwezokuSetyenziswa kweeLwimi kwakunye noQulunqo-ziFundo olunokuba negalelo ekuhlenga-hlengisweni kwemigaqo yolwimi kumaziko emfundo ephakamileyo, apho kukho iilwimi ezahlunekeyo ukuphuhlisa ilitherasi kwizifundo zomthetho kweli loMzantsi Afrika.

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CHAPTER 1

1. Orientation to the study

The trite linguistic truism that there is no concept that cannot be expressed in any language provided the need to do so arises holds good today as before. ...Hence, the question about using African languages in domains in which they have not been used before is not whether it is possible to do so, but how to carry out the necessary language development activities to facilitate such use. ... use in newer domains should occur simultaneously with language development.

Bamgbose (2011:3)

1.1 Introduction to the chapter

Composing a dissertation by way of penning several individual but related academic articles is a route that I decided to take entailing a process and procedures that did not go without difficulty. The purpose of this chapter is to provide context, a description of the problem and motivation for the study, as well as the research questions. Thereafter, I present an overarching view of the theoretical points of departure, the main subject areas from which I drew my literature, the research approach and the methodology employed. I then conclude with an indication to the reader of what to expect in each article. The content of three articles emerged from the data analysis process of this study prompted by the key research questions. This dissertation comprises five chapters, and each chapter has its own reference list. This is necessary since each article was written to conform to the stylistic requirements of the journal to which it was submitted. The first chapter is a thorough introduction to the study which merges various disciplinary areas, namely the intellectualisation of African languages in a South African university context; bi- and multilingual education and related language policy implementation; academic literacy in law; and multilingualism and law education. Since each of these areas of study has a broad scope, I made a careful selection to narrow the focus. This introductory chapter is followed by three central chapters that locate the three articles, while the fifth one provides a conclusion to the study which is divided into Parts I and II. The former provides a succinct, consolidated conclusion accompanied by recommendations, while the latter presents the main contribution of the study to the academic knowledge economy.

My first study objective was to explore and interpret translanguaging dynamics in multilingual Private Law 1 lectures and tutorials. Jonker (2016:1) and McGhie (2012:3) add to the high volume of scholarship reporting on English as a barrier to learning for second-language and third-language users.

The second research objective was to discover the mindsets of Private Law 1 students who use indigenous (South African) African languages at home pertaining to the role they think the inclusion of their home languages as official academic languages could play in the advancement of their academic literacy practices in multilingual Private Law 1 contexts.

The third and ultimate objective of this study was to discover affordances for the use of indigenous African languages that are official in South Africa in multilingual Private Law 1 ecologies so that productive pedagogical practices can be developed.

The desired outcome was that the results emanating from these three objectives would inform language policy decisions and curriculum delivery for multilingual academic law contexts, particularly for the Private Law 1 module.

In this chapter, the methodology in Section 1.9 gives details on how the participants were recruited, ethical aspects, research design, the nature of data collected, respective methods of analysis and the reasons for choosing them. The literature I consulted informed my study in theoretical ways. I present a consolidated theoretical framework in Figure 1.1 accompanied by a related discussion. Fundamental conceptual aspects are explained with epistemological access and cognitive justice as my points of departure. Key literature review aspects such as critical academic literacy (Waterstone, 2008), translanguaging, intellectualisation of indigenous African languages and code switching are discussed. These points are sketched in the form of a diagram (Figure 1.2) that illustrates an overlap of the elements as well as a common point where they all meet. African-language-speaking Private Law 1 students, their subject lecturers and English-speaking tutors are presented in a context. Owing to the fact that I am interested in finding out if the African students assigned *efficacy* or *worth* to the indigenous African languages in multilingual higher education settings, I tended not to focus on their attitudes per se, but on their mindsets, thus critical insights and deeply reasoned opinions.

The publication status of the articles might change as time proceeds. My PhD study supervisor presented the three articles to critical readers from different universities who are experts in the sub-disciplines included in this dissertation, and I then acted upon their constructive feedback. I subsequently submitted the articles to academic research journals for publication.

I, together with my PhD supervisor as a co-author, submitted Article 1 (in Chapter 2) to the *South African Journal of African Languages (SAJAL)*. For this article, I was the sole collector of the data. My supervisor provided critical insights in terms of revisiting the interpretation of data, as well as comments and queries by internal & external examiners. This led to a slight change in the title and subheadings. Article 1 thereafter went through SAJAL's Plagiarism and Familiarity Screening Test, which it passed. Now, at the time of writing, the co-author of this article and I have just received feedback from two reviewers. One of them said: "Yes, the article is accepted, but minor changes are required ... before publication." while the second one indicated that we should "revise the article and resubmit it for evaluation." Article 2 (in Chapter 3) was submitted to the *Journal of Education (JoE)* in 2017 and was not accepted for publication. Having reworked the article, I submitted it to *Per Linguam*, where it is under review. I retracted Article 3 from a certain journal owing to a lack of feedback since 2016, despite a promised response from the chief editor. I presented and co-presented other parts of this dissertation at the following conferences:

- Education Students' Regional Research Conference (ESRRC), 29 September 2012
- South African Applied Language Studies (SAALA), 26 June 2015
- South African Education Research Association (SAERA), 23 October 2016
- Joint 19th Interim Conference of the African Languages Association of Southern Africa (ALASA) and Seventh International Conference on Bantu Languages, 11 July 2018

Owing to the fact that these articles feed into each other in their response to the main research question, they display some elements of cross reporting. However, they focus on different aspects of the data and do not replicate one another. The section on the background to this study sets the scene for the birth of the three articles and their coherence.

1.2 Clarification and definition of key terms and concepts from literature reviewed

The terms private law, student-centredness, intellectualisation of African languages in South Africa, translanguaging, code switching, polylinguaging, and marginalisation and minoritisation of languages are explained for clarity in the context of this dissertation.

1.2.1 *Private law*

Private law is a system dealing with contracts of various types, such as marriage and succession, and family law (Treviño, 2010:1). Private law is not offered as a subject in South African schools or at basic education level in the country. At the university that I used as a research site, Private Law 1 is a compulsory subject not only to first-time entrants to the university but also to postgraduate students with junior degrees from different fields other than law. At this university, there are five individual qualifications for which Private Law is a compulsory subject, namely (1) Bachelor of Arts, i.e. BA (Law – undergraduate); (2) Bachelor of Commerce in Accounting (Law); (3) Bachelor of Laws, i.e. LLB (four-year undergraduate); (4) LLB (three-year programme – postgraduate); and (5) BAccLLB i.e. a joint qualification in Bachelor of Laws and Bachelor of Accounting. This means that students registered for any of the undergraduate Law programmes need the kind of academic literacy support which Greenbaum (2012:81) thinks would address poor output and student retention rates.

There is a similarity in how Private Law is defined by universities at international level. For instance, the University of New South Wales (UNSW, 2018) regards Private Law as a body of legal doctrines and rules that regulate relationships between private individuals, with many of its principles derived from judge-made common law. According to this university, Private Law is increasingly in the form of legislation that builds upon, or restructures, common law, which covers aspects such as contracts, property, equity and trusts, law of contracts, succession and family law. Beyond its key attention to governing intimate human affairs such as family relationships, Private Law – according to UNSW (2018) – extends its scope to commercial and financial relations, hence affecting the rights and obligations of individuals, families, businesses and small groups, and assisting citizens in disputes that involve private matters. At the university where I conducted my study, Private Law 1 is a subject that is divided into two semester modules, namely the Law of Persons and Family Law.

Having obtained a basic understanding of what Private Law entails, I perceived the Private Law Department as my feasible research site. I viewed law as being a discipline working not only with words and language, but also requiring sound critical literacy. Here I mean literacy that requires critical and skilful use of the language while also demonstrating an understanding of the value of the legal service to society.

In a multilingual university situation, where African-language-speaking students were prevalent, I then decided to embark on research that aims to describe and understand considerations for the implementation of multilingual language policies towards providing fair opportunities for the intellectualisation of African languages in law studies or legal training. I found this to be ideal for the advancement of academic literacy practices of African-language-speaking students in situations where these languages are not officially made functional or active.

In the context of this study, the single-digit numeral ‘1’ in Private Law 1 refers to a first-year-level module and does not necessarily represent the official code of the module.

1.2.2 Student-centredness

In the study, student-centredness refers to giving principal consideration to the mindsets, academic needs, affective factors and suggestions of the students in the data interpretation process and drawing of conclusions.

1.2.3 Intellectualisation of African languages in South Africa

After the meaning of the term ‘intellectualisation’ is clarified for the purposes of this study, the single inverted commas will be removed. The inverted commas acknowledge the various controversial definitions and sometimes demeaning connotations of the term. In the context of this study, I connote the positive and empowering meaning of the term intellectualisation, by which I convey all of the following: being ‘licensed’ to function intellectually, operational in academic settings and having a demonstrated ability to participate in the facilitation of learning and learning activities. Directing the term to African languages, I refer to being allowed to be productively active in academic settings that demand intellectual processing and critical manipulation of information for content understanding and new

knowledge creation. From a South African perspective, Finlayson and Madiba (2002:40) explain the term intellectualisation as a planned process of accelerating the growth and development of marginalised languages to promote their operational propensity with modern developments, theories and concepts. Hence I, in a positive and empowering sense, perceive intellectualisation as a means of debunking the marginalisation and minoritisation of languages that have long been denied their function in academic spaces (other than being taught as individual subjects at university level).

Identity is related to a profound sense of belonging. Language is thus integral in allowing students and staff at all South African universities that sense of belonging (Kaschula, 2013:19). For the past decade, the term intellectualisation of African languages in higher education has been given attention in terms of discussions. Related reports or records around the intellectualisation of African languages in and for South African higher education higher education can be found in documents of the Council on Higher Education (2001); Language Plan Task Group (LANGTAG, 1996); and Pan South African Language Board (PanSALB), as well as in Kaschula (2013); Prah (2007); Alexander (2005a, 2005b, 2013); and conference proceedings. Recently, there has been a shift towards looking at revision of language policies to recognise African languages as languages of communication and academic knowledge production at university level. In addition, practicable multilingual initiatives have taken place in different universities in South Africa towards the promotion of the use of official African languages. Finlayson and Madiba (2002:40) observed that – with some progress made in terms of research-based strategies towards the intellectualisation of African languages backed by a clear national language policy and plan – it was likely that advances would be made towards achieving increasing degrees of momentum, support and success.

Despite Finlayson and Madiba's optimism around the intellectualisation of African languages in universities located in South Africa, some universities are still struggling to come up with realistic multilingual language policy implementation strategies to this end. Three years down the line, after Finlayson and Madiba's 2002 publication, Alexander (2005:5) still expressed uneasiness about the fact that proficiency in the language of the former colonial power (English, French and Portuguese) constituted cultural capital across the entire African continent. Webb (2009) declared that a variety of attempts should be made to acknowledge the need to use languages other than English in South African

tertiary institutions. More on the aspect of intellectualisation of African languages in South Africa is provided in Article 3 (Chapter 4); as reporting on the students' mindsets is directed to this notion. Botman (2010) viewed the recognition of the country's indigenous languages as partly having the purpose of symbolising the dawning of a new age of equity and justice and promoting languages and cultures that suffered long periods of marginalisation under colonialism and Apartheid. Reasoning about the major factors responsible for the low status and restricted roles for African languages, Bamgbose (2011:1) noted that "colonial power was dominant and African languages took a secondary position in status and domains of use". Bamgbose (2011:1–2) added that "colonial legacy, negative perception of multilingualism, language development status, national integration, modernisation and economic development, globalisation, negative language attitudes, and defective language planning" were contributors to the minoritisation of African languages. This suggests that an informed distinction needs to be made between a 'privileged language' and a 'marginalised language' or minoritised language (undermined aptitude of intellectual performance). This is for the reason that because being marginalised or minoritised does not denote being less intellectual. Hence, the term intellectualisation still needs careful interpretation that does not convey a derogatory sense.

UNESCO (1953) declared that the use of indigenous vernacular or mother-tongue language should be extended from primary schooling to as late a stage as possible in education. Prah (2008:14–5) supported the value of African languages in meaning-making as a call for their active use in the entire education system. He argued that this would rightfully enable Africans to enjoy their democratic development based not only on the recognition of their own cultures and languages, but also on the regaining of their confidence, self-affirmation and self-reliance. In her view of 'Africa's multilingualism', Visser (2013:4) observed that the use of African languages must complement the use of other national or official languages such as English and was vital for "optimising learning to maintain the vitality of language use as a linguistic asset" and for building cultural capital and creating opportunities for holistic development of human potential. In addressing school teachers to take advantage of bilingual and multilingual intelligences, Lemmer, Meier and van Wyk (2012:68) suggested that content teachers should allow English non-native speakers to discuss content of a specific learning area in small groups in their home or local languages. This would facilitate comprehension even if they have to report in English later in a plenary or in writing. This is one of the ways of practically promoting the use of African languages in academia.

In acknowledgement of the initiatives for the intellectualisation of indigenous African languages in South Africa, I mention and give a few examples of initiatives regarding the demarginalisation of African languages and related scholarship in both predominantly English-only and previously Afrikaans-only universities situated in South Africa. Kotzé (2014) studied the policy landscape regarding the inclusion of African languages in multilingual universities in South Africa. Batyi (2015) studied the role of isiXhosa in a tourism course offered in English and demonstrated how isiXhosa can play a role for the purposes of knowledge generation in other disciplines such as law, medicine, environmental studies, and engineering.

Madiba (2017) reported on the success of an institutional multilingualism project aimed at promoting the intellectualisation of indigenous African languages, namely Languages of Learning and Teaching (LoLT) in higher education. The project has managed to develop multilingual glossaries using African languages to complement English at the University of Cape Town (UCT) for concept literacy, with the aim of assisting students for whom English is an additional language to learn new special subject-field concepts through their first languages. Madiba (2017) reported that special language corpora and multilingual concept literacy glossaries have been constructed for statistics, mathematics, economics and law.

As an example of African Languages for Academic Purposes (ALAP), which conducts similar initiatives to that of UCT using Languages other than English (LotE) or Afrikaans, Stellenbosch University's Unit for isiXhosa at the institution's Language Centre has managed to widen the use of isiXhosa in academic domains, particularly the Department of Law. This includes subject-related terminology and glossary development in Afrikaans, isiXhosa and English for different disciplines (<http://www.sun.ac.za/language>) and in the extended degree programmes in various faculties including that of Law since 2005 (Van Schalkwyk, 2008:118). IsiXhosa is a local indigenous African language that has long been excluded from featuring in knowledge production activities in South African higher education domains and yet it is an official national language. In addition, SU's Language Centre has increased the academic use of isiXhosa. SU's Department of Curriculum Studies in the Faculty of Education has embarked on a student-centred trilingual initiative called MobiLex, an acronym that stands for Mobile Lexicography. Van der Merwe (2016:1) explains MobiLex (in this context) as a task-based initiative designed to fulfil dictionary functions for the development of isiXhosa as an academic language. Looking at the University of

Witwatersrand (Wits), Makalela (2014) reported on the introduction of African languages for teaching other African languages at university level.

Studies by Madadzhe and Sepota (2006) called for recognition of African Languages for Academic Purposes (ALAP) in higher education. In support of this idea, PanSALB (2014) made a call for research in African languages in academia via a project named ‘Dr Neville’ in honour of Dr Neville Alexander for his activism against the dominance of English in education and for the promotion of African languages, including Afrikaans. Visser (2013:3) argued that for those students for whom African languages are L1 (home language), the mother tongue is indispensable for optimising learning to maintain the vitality of language use as cultural capital. She further stated that policymakers and curriculum designers should realise that African languages are a linguistic asset whose promotion and use must complement the use of the national or official languages such as English. Botman (2010) called for more expertise to be used for the promotion of indigenous African languages. A practical visibility of the academic currency of African languages to participate in education disciplines such as mathematics, engineering, pharmacy, law, economics, public administration, political studies, and so on, and even in public domains, is lacking and yet possible. There are views that the idea is still ‘pie in the sky’, as Neethling (2010) observed. One of the reasons for this way of thinking is commonly based on the issue of standardisation of African languages (Webb & Lepota, 2005). Van der Walt (2015:30) asserted that even though English language proficiency is crucial, it is not sufficient to improve the throughput rate of students or the quality of learning and teaching. Ngcobo (2014:124) asserted that the international language of trade and commerce, namely English, should not be used to the detriment of community languages and that a dual language instruction using students’ primary language, in this case African languages, would affirm students’ identities within the education system. Subtracting, or rather not adding, South Africa’s indigenous official languages in learning processes are a hazardous enterprise. In this sense, South Africa should note the warning recorded in *Prospect Magazine* by Johnson (2006) of the consequences of a lack of confidence in national indigenous languages. Johnson (2006) noted that this lack of confidence had not significantly struck the South African community, but when it did, the end-result would seem like “the final triumph of colonialism over African nationalism”.

If Afrikaans could be elevated from the point of functioning as mere ‘kitchen Dutch’ to being a fully fledged language of learning, teaching and research, capable of expressing advanced

and complex concepts of science, justice and commerce at the same level as the world's leading languages (Botman, 2010), then it is possible for indigenous African languages to occupy their rightful position for organised and structured participation in institutions of higher learning in South Africa. This notion is supported by Nzimande (2010) who regarded the advancement of Afrikaans from its humble origin to a higher-function language to be “a truly impressive historical event”. He called for the expertise built up in this regard to be used for the promotion of indigenous African languages.

1.2.4 Translanguaging as a humanising pedagogical strategy

As part of my broad literature study, I embarked on an intensive review of the notion of translanguaging, which I found to be still growing and filtering into higher education in South Africa and globally, rather than being known as a bi- and multilingual teaching and learning approach for primary and secondary education. There have been contrasting debates about translanguaging linked with hybridity or fluidity and contestations around translanguaging being a theory or pedagogy, or both. However, for the purpose of this study, I chose to stick to translanguaging as pedagogical practice because it is an act of using various languages. For this reason, I intentionally enriched this study with the views that describe translanguaging as a pedagogical strategy.

A view of translanguaging as pedagogy (Tannenbaum, 2015) complements its positive impact on knowledge construction processes, as underpinned by this research. Hence, a translanguaging pedagogy can be understood to allow for the discovery of possibilities for humanising translanguaging practices in academic contexts in terms of helping language users to negotiate meaning using the languages at their disposal, including African languages, with confidence and without intimidation. Mazak (2016:5) views translanguaging in a higher education context as a pedagogical stance underpinned by a language ideology and theory; and that which the teachers and students take in allowing them to draw “on all of their linguistic and semiotic resources as they teach and learn both language and content material in classrooms”. Mazak (2016:6) adds that translanguaging is not restricted to one specific type of linguistic strategy, but “rather seeks to include any practice that draws on an individual's linguistic and semiotic repertoires” which take account of diverse literacy activities such as reading, writing and discussing in a creative process of meaning-making. The realisation of this creative meaning-making process requires a flexible pedagogical

practice aiming for relevance to productive epistemic access. While Mazak (2016:5–6) suggests allowing learners to translanguage, Palfreyman and Van der Walt (2017:9) take a humanising perspective to translanguage as pedagogy by recommending that lecturers create an opportunity for translanguage to occur. These scholars also acknowledge translanguage as a communicative action by individuals in a variety of situations to fulfil purposes other than teaching and learning.

By using collaborative group work and multilingual partners, translanguage extends and augments students' communal knowledge production activities. Therefore, drawing on the views on translanguage by Mazak (2016:5–6) set out above, in an academic context, translanguage is about finding and describing a set of language-use skills that work for particular groups of students, depending on the intention behind its use. I can thus deduce that translanguage can serve as a flexible bi- and multilingual pedagogical practice that can facilitate relevant and productive processes of knowledge manufacturing. In addition, in an academic context, translanguage can be viewed as an umbrella bi- and multilingual strategy that can be used in dialogical activities in collaborative learning by individual students through simultaneous inter-drawing on codes or language varieties or languages verbally or in reading and writing tasks. This means that translanguage is not limited to the cross-shuttling of languages or codes or language varieties by bi- and multilinguals, but also entails drawing on literacy skills and practices.

1.3 Background and motivation to the study

Being an academic in Curriculum Studies, with a special interest in language education, literacy and language use in higher education, my Master's degree was in academic literacy in higher education. At that time, my research project focused on active listening practices of first-year tertiary students. The students who formed the case for my Master's research project were from diverse home-language backgrounds of South Africa, mostly Afrikaans and isiXhosa. They were first-year students at a technikon department where English was the sole official language of teaching and learning. What was interesting was how both Afrikaans- and isiXhosa-speaking students navigated their way towards the attainment of epistemological access despite being confronted by challenges related to academic listening in English. In a way, insights gained from my Master's degree study influenced my PhD research interest even though the situatedness of pedagogical practices differs. For this

particular study, I wanted to narrow my focus down to students registered for Private Law 1, who had (South African) African languages as their home language. These students then formed the case of this study.

What made me consider the Department of Private Law as a viable research site to conduct my study on multilingual education, intellectualisation of African languages and academic literacy was my consultation with one of the experienced university residence mentors. He had a reasonable amount of information about which subjects academic mentors in residences reported to be challenging for first-year students. According to him, around the years 2009 and 2010, Private Law 1 happened to be one of the subjects with which first-year students tended to struggle most. Among those that struggled were students with official indigenous African languages of South Africa as their home languages. At the beginning of 2010, I accessed enrolment lists at the institution's registration office to ascertain whether any of these students the list. I was motivated even more on learning that there were African-language-speaking students on the enrolment list, though disappointingly few.

Ngcobo (2014: iv) raised “concerns over the alarmingly high failure, dropout and retention rates of particularly black South African students”, which were related to poor academic performance owing to learning difficulties. McGhie (2012:2) viewed high university drop-out rates in higher education not as a South African challenge only, but a global issue. Nonetheless, this study neither implied that English home-language students were more intelligent than the students who were home users of other languages, nor fell into stereotypical thinking that English first-language-speaking students did not experience challenges with academic literacy. In fact, Tang (2012:11) pointed out that there were instances where English first-language speakers also experienced difficulties with academic writing. Marais and Van Dyk (2010:4–5) pointed out that academic listening tasks had proved to be challenging whether the students are first- or additional language users of the target language. These studies showed that the perceived language problem was not the sole factor contributing to academic literacy challenges (McKenna, 2012).

1.4 The context and situatedness of the study

It is crucial that the context in which this study took place is in line with the theoretical

background and focus of the study as well as the thoughts on the situatedness of this scholarship.

1.4.1 Context

This qualitative study was conducted at a predominantly Afrikaans university that is situated in the Western Cape, a province of South Africa. Afrikaans, English and isiXhosa are the most common languages in this region. At the time of the study, the language policy of the institution that was my research site was bilingual, with Afrikaans and English as the core official languages used for teaching and learning purposes. Both Afrikaans and English were on the same footing during the period in which this study was conducted. Lecturers could use ‘parallel’ medium for classes that were big enough to split into two language groups. For the rest (which comprised the majority of classes) a dual medium option was the main bilingual arrangement that was possible in the language policy of the time.

The observation of the implementation of this language policy is recorded in Article 1, located in Chapter 2 of this dissertation, which deals with code switching and co-language patterns in dual-medium lectures. The institutional language policy introduced in 2002 was reviewed in 2007 (Van Schalkwyk, 2008:98) and was still operational during the time of the study. The module that I investigated followed dual medium for lectures and parallel medium for tutorials, with students having a choice of either attending Afrikaans LoLT tutorials or English LoLT tutorials. At that stage, a strict 50/50 dual medium policy was adhered to in lectures and the lecturers were expected to code switch between Afrikaans and English in a lecture. The institution that was my research site changed this language policy after I had collected my data. The context of the research was characterised by a multilingual setup with a significant presence of students who were home-language speakers of Afrikaans and English, as well as the co-presence of those who were not, but who participated in academic activities. Even though the classes were large and multilingual, African-language-speaking students coming from various provinces of South Africa formed a minority: 11 in a class of 373.

Seventeen participants, who comprised two Private Law 1 (Law of Persons and Family Law) lecturers, four tutors and 11 students, signed *Informed Consent* forms to participate in this mainly qualitative case study. This study limited the participation of African-language-

speaking students to those students who used any of the African languages that are official in South Africa as their home languages. There were only 11 African-language-speaking students who were South Africans in lecture halls packed with hundreds of students, especially at the beginning of the term when class attendance is good. Their pseudonyms were a reflection of the home languages of the participants, while the assignment of these names did not necessarily represent true individual ethnicity. The names were Anathi, Horisani, Karabo, Khaya, Mbali, Neo, Otsogile, Siyanda, Thatego, Tholakele and Zama. This meant that there were no other students who met the criteria of participating in this study. In simple terms, the student participants formed a minority in terms of registration numbers for the Private Law 1 module.

As mentioned above, this is a qualitative study with 11 African-language speakers being the case that was studied. In this study, I mostly link the use of African languages with English, without by any means intending to sideline Afrikaans, as both languages were used in dual-medium classes; but the research participants chose English as their academic language. This information is available in the institution's registration roll and also from the departmental administration office in terms of students' language choices for tutorial grouping. These students had indicated their preference to attend English LoLT tutorials rather than Afrikaans-led ones. Formal academic activities took place in lectures and tutorials, as well as in the Private Law 1 academic literacy support programme. Other learning activities, such as study groups, which were not recognised as part of mainstream academic activities at the University took place in diverse ways in academic realms outside the tutorial, lecture and academic literacy support sessions.

The Republic of South Africa (RSA)'s (2002) Policy for South African Higher Education aims at promoting multilingual education and the advancement of equity as well as access to higher education. Inability to master academic language accounts for delays in the development of students' cognitive capabilities. Delays in the achievement academic success can be mitigated when students are taught in their most familiar languages, according to Canagarajah (2006:39), Freeman (2002:9) and Hornberger (2003:23). These authors suggest that language can act as an enabler for the attainment of literacies towards meeting course demands in a dominant academic language. McGhie (2012:138) reports that English-only language practices become a barrier to learning for *many* students. McGhie does not say *all*

students, by which I infer that English LoLT is not solely a barrier to learning for an individual student.

1.4.2 Situatedness

This study is situated in the research fields of applied language studies and literacy in the sense that it deals with the actual and potential application of bi- and multilingual and pedagogical use, academic literacy and how African languages can be intellectualised towards the attainment of epistemological access. I observed the participants in their law classrooms attending lectures and tutorials, where the situation determined their actions, rather than, for example, the language policy. My whole study is based on what comes to light in South Africa, particularly in a multilingual university at a time when the language policy advocated for bilingual education – where only two out of 11 official South African languages were used concurrently in Private Law 1 pedagogical activities despite the co-presence of African-language-speaking students. Without any generalisation, insights gained from literature, theoretical frameworks and data influenced the understanding of lessons learnt from this study, while opening avenues for comprehensive thoughts on how these lessons can be of advantage for a multilingual language policy with a similar mix of students. Thus, even though this study was conducted in 2010 (and 2011 in terms of follow-up interviews with individuals and groups), it remains relevant.

1.5 Language, law discourse, multilingualism and law education

Before I present other scholars' and authors' observations on the meaning of language that are adopted in this dissertation, I start by expressing my interpretation of what language is.

1.5.1 Language and the generic language role

While I link the perspectives on language by various authors in the context of this study, I personally view 'language' as an apparatus with the potential of bringing that which was not known into the knowledge economy by/for a specific individual or community of knowledge creators or recipients. In other words, language constitutes the art of using a tool by which knowledge is constructed. This means that, if words are written in a book randomly, they might not fulfil the desired outcome of putting the message across successfully; it takes the

skilful art of putting the words together in a structure to convey the message. In addition, language can serve as an instrument of orientation to one's own immediate environment that is connected to facets of one's culture; hence an empowering nutrition to the mind and renewal of the soul. The reverse of this statement is also true: depending on how language is used, it can either empower or disempower someone. The use of language has an impact while fulfilling the communicative needs of the speaker, listener, writer, viewer or reader. These communicative needs can be expressed verbally and non-verbally through signs, living codes with a message, gestures, symbols and diagrams. I support my view of language through the following lens of understandings adopted from other scholars.

Kaschula (2013:19), Van der Walt (2013:164) and Ouane (2012) perceived language as an identity marker that can facilitate a deep sense of belonging. In terms of academic language use, Johnson (1755) argued that language can successfully serve as a tool of science, hence Gee (1999:1–3) perceived it as an inherited arsenal of being and knowing, an inherited instrument with which new or revised conventions are expressed. UNESCO (2009:83) observed that languages mediate human experiences, as well as their intellectual and cultural environments, as they are not just a means of communication but represent the very fabric of cultural expressions and are the carriers of values and worldviews. For Hakuta (1986), language is a vehicle of thought in knowledge production processes. According to Oyakhilome (2014), language refers to coded sounds containing an element of life that give meaning to words, with a responsive ability either to accelerate or retard progress; while also being “an armoury of the human mind” (Coleridge, n.d.) through which skills are acquired with the ability to make someone a victor or a victim. Language can also fulfil the social need of having an intellectual instrument of being, expression, knowing and validating knowledge (de Sausa Santos, 2016); and being a bearer of hope and a key to development as well as empowerment (Stellenbosch University Language Centre, 2012).

From the perspective of the definitions and functions of language mentioned above, I can then conclude that language is power and an instrument of being, becoming and doing – and potentially of oppression or of emancipation and empowerment. Private Law 1 students who are users of (South African) African languages at home can thus perform the empowering roles with their languages when opportunities are created to do so. Hence it is vital to study the affordances for the use of these languages in academic ecologies.

1.5.2 The role of language in law

Language skills that enable critical thinking and deep reasoning are important for both oral and written varieties of literacy in law education (legal training) – comprehension of legal content hinges on these skills. Language-related proficiency in such language discourse and acquisition of related skills should be in line not only with the specific outcomes of respective law modules, but should meet the Unit Standards set by the South African Qualifications Authority (2015) for the Bachelor of Laws (LLB) degree. The law education process should facilitate acquisition and progressive development of the generic and critical cross-field outcomes relevant to the LLB qualification. When it comes to law education, Papashane and Hlalele (2014:661) emphasised that relevant law-specific academic literacy can be regarded as “a critical cognitive catalyst towards the creation of sustainable learning ecologies” in higher education.

1.5.3 Academic literacy for law

Papashane and Hlalele (2014:668) articulated that the facilitation of acquisition of academic discourse in law education – like a number of other university disciplines for undergraduate studies – often requires that students synthesise new information that reflects critical and objective thinking processes. These authors added that undergraduate students are often expected to demonstrate academic literacy skills such as operational literacy; incorporating ideas from others into own work, structuring an essay, writing the introduction and conclusions in an appropriate style, acknowledging ideas of others (referencing), analysing an assignment question, reading academic texts and reflecting critically on ideas and experiences. In this sense, Papashane and Hlalele (2014) perceived academic essay writing and critical literacy as central to academic literacy at university. With law, it certainly goes beyond writing to critical literacy.

Referring to academic literacy in law education, Papashane and Hlalele (2014) viewed mock trials and debates on topical issues relating to the wider community outside the university as examples of the discourse for law pedagogy. This is a perspective of law education that resonates with Freire and Macedo’s (1987) idea of radical education for critical pedagogy and literacy development which facilitates the learners’ “reading the word and the world”. In this sense, relevant law-specific academic literacy can be regarded as “a critical cognitive catalyst

towards the creation of sustainable learning ecologies in higher education” (Papashane and Hlalele 2014:661). Therefore, the curriculum for law can integrate or embed development of critical literacy, such as the ability to pick up vested interests of the author/speaker/writer; active listening; analytical viewing; opinion expression; identifying and analysing text genre; and sense-talking (academic speaking) in line with specific genres that are often challenging for students and yet crucial for the legal profession. For instance, students can role-play oral argument formulation and legal principle-based persuasive talking in front of peers for better understanding of legal procedures – by holding moot courts (Kese & Van der Walt, 2015).

In this context, it is not enough to value the importance of students’ language-use outcomes and related proficiencies only. It is vital also to assign importance to the pedagogical languaging strategies that can take advantage of multilingual repertoires of the student community towards advancing their language skills in various languages that co-exist in the classroom and surrounding local communities. This accentuates the significance of multilingualism in law education.

1.5.4 Multilingualism and law education

Pedagogical approaches should value the importance of students’ language use strategies applicable in multilingual university environments. Students’ learning needs inform discipline-specific academic literacies needed for law. Greenbaum (2010) advises that knowledge analysis and production as well as the general manipulation of the curriculum are crucial for the pedagogy of undergraduate law students. Besides, the Higher Education Language Policy Draft that was revised in 2017, prescribes sensitivity towards languaging in multilingual higher education contexts in South Africa, and is headed for the intellectualisation (promotion of use in academic activities) of official indigenous African languages of South Africa in a practicable manner. This would, according to the Department of Higher Education and Training (2018:2), facilitate the critical role of accessing language skills and languaging (language use) necessary in higher education disciplines, i.e. law in this instance, to ensure the right of students to realise their potential to participate in and contribute to the social, cultural and intellectual existence of the community of South Africa. The social aspect of pedagogical practices potentially enables the students to learn collaboratively, using their indigenous knowledge, which includes home languages and culture as radical arsenals for epistemological access in the face of the norm. Quinot’s

(2012:420) transformative view to law education is an adaptation of a constructivist student-centred approach to law education while acknowledging the importance of ‘communal knowledge engagement’ that may enrich learning guided by theoretically informed pedagogical practices. The element of enriched communal learning offered by Quinot’s (2012) intellectual thought may support the use of multilingual strategies for law education, both by law teachers as facilitators of multilingual law learning and by multilingual law students in multilingual academic locations inside and outside the classroom, as well as in the world of legal services after graduation.

Butler (2013:83) proposed more appropriate and precise academic support programmes instead of dwelling at length on generic aspects of academic literacy development. Bangeni and Greenbaum (2013) suggested that law students should be exposed to models of genre for the legal profession while integrating enhancement of literacies appropriate for law as the profession demands.

In terms of multilingual higher education in the context of the law curriculum at university entry level in South Africa, international scholarship reveals that a considerable amount of research on the use of home languages and cultural literacies has been undertaken in the promotion of bilingual (Creese & Blackledge, 2010; Garcia & Wei, 2014) and multilingual learning at both basic and university levels. In a South Africa context, pockets of good work done in higher education regarding the inclusion, or rather intellectualisation of African languages in South Africa have been reported (Kaschula, 2013; Kaschula & Maseko, 2014; Madiba, 2017; Van der Walt & Hibbert, 2014). While the innovative attempts are acknowledged, the amount of work yet to be done in a South African context regarding the intellectualisation of African languages is enormous. Scholars in the field of applied linguistics need to look at possibilities and practical ways of using African languages for the facilitation of learning and provision of academic literacy development at tertiary level. There is a research gap concerning the use of African languages at tertiary levels, more significantly with regard to subjects that are not offered at basic education level prior to university, such as those in the law domain. White (1982) observed that law content tends to be unfamiliar to first-year university students in South Africa. According to Botha (2010), it is imperative to address the complexity of the law discourse and legal literacy, as well as the integration of language in the content of law subjects.

The discussion in this sub-section makes substantial more sense to this study, which is anchored in humanising pedagogies in consideration of the importance of language ecology or situatedness of language use, while valuing literacy and learning as social phenomena.

1.6 Description of the problem, research questions and corresponding articles

I first bring attention to the problem I wish to address in a broad scope, so as to provide a background and context to the issue. I then narrow the scope down into three sub-problems couched as questions that are congruent with my study.

1.6.1 Research problems

The first problem that I wish to highlight is that of language policy implementation at universities situated in South Africa. This matter has been well debated by Mutasa (2015). Even though initiatives surrounding the intellectualisation of African languages by different universities located in South Africa have increased in response to the need, appropriating new multilingual language policy plans with associated pedagogical implications is still a challenge for many universities. This state of affairs calls for more studies on the intellectualisation of African languages (Bamgbose, 2011; Kaschula & Maseko, 2014). It is the role of universities to promote multilingualism in African and non-African languages, so that the performance of students can be enhanced significantly when they operate in the languages which are close to the source of their thinking processes (Prah, 1995:84–6). As stated by Mutasa (2015:46): “When one language is revered above others it will be an insurmountable challenge to end the hegemony of that language.”

The second problem is due to the inadequacy at faculty, departmental and unit level of consultations with students who are users of African languages at home. Academics and policy makers often lay the blame on lack of time and resources where student consultation is concerned. However, the time and restructuring costs involved when a language policy is revised and implemented, particularly with regard to the inclusion of African languages, should be incurred by considering the process of “finding out from the students” (Leibowitz, 2015:38). In this regard, Leibowitz (2015:38) suggested that implementation of language policies at universities should acknowledge the perceptions – or rather not neglect the attitudes – of the users of the target languages in order to achieve relevance and efficiency in respect to the implementation of multilingual language policies. This is then the rationale

behind investigating the perceptions of students on the following: the potential inclusion of their African home languages; their preferences in terms of multilingual language-use practices; and what language-use practice would potentially work for them. Taking this route to language implementation plans regarding the intellectualisation of African languages would be a humanising approach rather than a dehumanising approach that might end up making stereotypical assumptions.

The gap that this study seeks to investigate relates to the position of students using African languages as a small minority in a challenging module. Previous studies in this area have tended to describe interventions with groups of African-language-speaking students (Madiba, 2012; Ngcobo, Ndaba, Nyangiwe, Mpungose & Jamal, 2016) or have focused on groups of African-language-speaking students who learn in a context where they have been separated from other language speakers. This study attempts to close the gap by investigating students in their context, without staging an intervention.

The third and last problem is that the creation of opportunities for students who have graduated from former Model C schools to use their African home languages is often not taken seriously owing to being misled by their fluency in everyday English – which is not necessarily academic, discipline-specific English. Furthermore, this English is likely to be inadequate for commanding and manipulating law-specific academic material. It can be cognitively unjust to marginalise the home languages of some students in contravention of the stipulations of the South African Constitution and the official national status of these African languages when students find value in them and are willing to use them along with English to advance understanding of subject-specific discourse. In most cases, depriving students from using their respective African home languages (Genever, 2016) not only causes cognitive or emotional anguish, but also disregards the social fibre of education which cannot flourish in a learning atmosphere where only the “struggle for English” (Gules, 2005) prevails. At the centre of decisions made about language use, related pedagogical practices should be what Sanders and Melton (2010:63) consider as the presence and co-presence of all students in both the classroom and online spaces. This would aid in sensitising academic staff to the reality and uniqueness of the constituents in the teaching and learning ecology and would encourage the cultivation and restructuring of pedagogical practices.

1.6.2 Research questions and corresponding articles

The broad scope of issues discussed above provide a backdrop to this study, which attempts to respond by posing the following research questions – about which corresponding research articles have been written by me except for the first article that has been co-authored (see Sub-section 1.9.6 for the role of the co-author).

Central research question:

What affordances can be found for the intellectualisation of African languages in the context of Private Law 1 students' academic literacy practices?

Next come the four research sub-questions and a brief about corresponding articles:

Sub-research question 1 and a brief on Article 1:

How could translanguaging practices humanise pedagogical practices in Private Law 1 dual-medium lectures with African-language-speaking students?

Article 1 (Chapter 2 of this dissertation) observes the dynamics of translanguaging in Private Law 1 big-sized classes (lectures) where the management side of language use and related language ecological factors in terms of how they relate to the various language-use strategies used in bilingual (Afrikaans-English) lectures with students for whom neither of these languages was a home language. This article reports on code switching patterns and related strategies such as co-languaging within multilingual lectures with African-language-speaking students, where the dominant languages available were Afrikaans and English. Conclusions provide practicable ways of using translanguaging as a multilingual and humanising pedagogical strategy that acknowledges the presence of African-language-speaking students in the teaching and learning environment. The article concluded that the pedagogical strategies of the dual-medium environment both positively and negatively impacted on epistemological access. The students clearly needed support in terms of the academic literacy needs that were pointed out by the lecturers. This necessitated the discovery of affordances for the intellectualisation of African languages in Private Law 1 which could be drawn from to optimise students' successful engagement with academic content.

Sub-research question 2 and a brief on Article 2:

What are Private Law 1 students' mindsets on the use of African languages towards meeting course demands and academic challenges in the Private Law 1 course?

The thoughts presented in Article 2 (Chapter 3) are around the intellectualisation of (South African official) African languages in a Private Law 1 module when these languages are used to meet module demands and knowledge construction challenges by the participants who use these languages at home. The issue of language use in multicultural and multilingual higher education is linked to the notion of critical pedagogy (Mayaba, Ralarala & Angu, 2018:7) for radical perspectives on transformative language policy implementation. Without generalising the results, the research question is crucial for the revised language policy at micro-level planning and when situated pedagogical practices that are inclusive of African languages are considered. Article 2 concludes by revealing Private Law 1 students' mixed mindsets regardless of whether they matriculated from former Model C schools or not.

Sub-research question 3 and a brief on Article 3:

What prospects are available in tutorials for the employment of multilingual learning strategies towards the development of academic literacy practices of Private Law 1 students who use African languages at home?

Article 3 (Chapter 4) reveals affordances for the use of African languages in Private Law 1 English LoLT tutorials with multilingual students. This article basically unveils possible opportunities that are practicable for the use of African languages in English-medium Private Law 1 tutorials where English is a *lingua franca* among all the students in class. As much as the affordances are denied by the views of tutors, the students' views are regarded as their perceived reality which must be regarded as valid owing to the student-centred approach to interpreting research results.

1.7 The eclectic theoretical structure

I described my theoretical foundation in an *unopotyi* format. *Unopotyi* is a Xhosa word for a three-legged, round, cast-iron pot used in African cuisine. This pot is explained in Wikipedia as having descended from the Dutch oven, is found in the homes and villages of people throughout southern Africa since the 17th century, and is associated with ‘potjiekos’ (little-pot food), a variety of ingredients cooked together over an open fire. In a figurative sense, I mix the ingredients for such a pot in Figure 1.1 to represent eclectic features that are supported by three legs, as applicable in the three research articles. The features complement each other and some are relevant across the three articles. My theoretical point of departure is encapsulated by a humanising pedagogy as a theoretical premise that can stand alone to influence translanguaging as a pedagogical strategy, which is later discussed in Article 1, Chapter 2: Section 2.5. By humanising pedagogies, I mean teaching and learning practices that promote fairness in education and engender a positive impact – or rather that refrain from any dehumanising teaching and learning approaches that unjustly or negatively detach the students from their own sociocultural reality. The humanising pedagogy ‘steams up’ discussion – to use the *unopotyi* analogy – in the three articles of this dissertation in relation to the following three legs: (1) Translanguaging theory and pedagogy; (2) The radical theory of education based on critical pedagogy; and (3) The ecology of language. It is important to note that these three legs are in line with my research arguments, data collection, discussions, conclusions and impetus towards the birth of the three articles as a desired outcome.

The first leg of the theoretical mix is directly or more applicable in Article 1 (Chapter 2) where a humanising theoretical perspective influences views on translanguaging as a multilingual pedagogical practice. This is applicable in observation and analysis of data related to the use of more than one language for teaching and learning purposes in a classroom situation.

The second leg is explicitly relevant to Article 2 (Chapter 3) which deals with the mindsets of African-language-speaking student participants towards the intellectualisation of their African home languages in the Private Law 1 module. This is where the radical theory of education for critical pedagogy positions the notion of self-efficacy with the language as a “marker of identity” (Kaschula (2013:19); Ouane (2012); Van der Walt (2013:164) and value

assigned to own home languages in the sense-making of the academic content. Ndebele (2010), in admiration of the character and attitude of *intinginono*, the secretary bird, reflects:

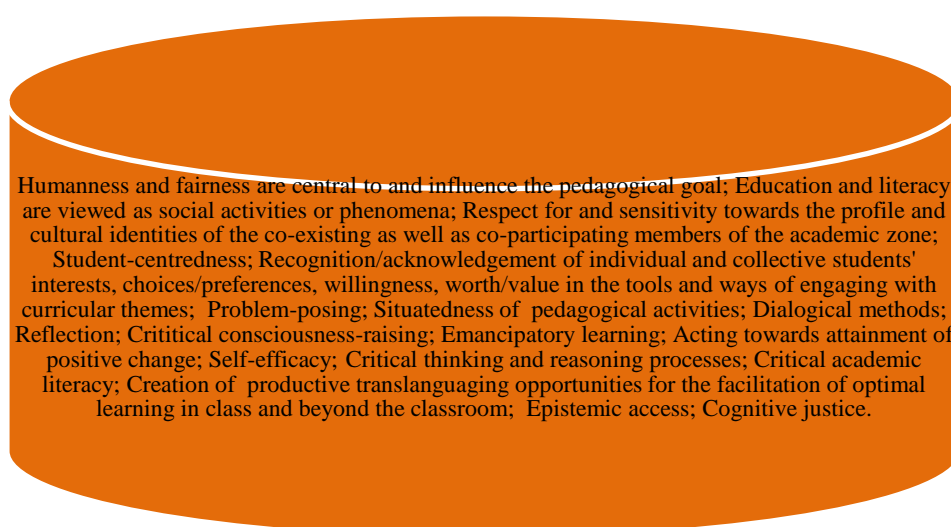
I invoke the dignity it carries in its self-assuredness
 its stately and graceful stride
 its huge and sturdy nest
 Where it will lay its eggs
 to breed the next generation and
 How, although it can fly so well,
 it loves to stay on earth, living its life

In view of social emancipation of the mind (Freire, 1998), self-efficacy and self-assuredness – which can be regarded as simply finding worth in what is one’s own or having confidence – can be a good determinant of willingness to use home African languages in academia. This means taking the graceful stride of pride in one’s own language, while learning and using other languages. These explanations for self-efficacy are more applicable to Article 2 which may include a sense of connectedness to home African vernacular in advancing students’ academic literacy practices.

The third leg of the theoretical mix is the ecology of language theory as displayed in Figure 1.1 with features I employed to develop insights during the data collection, and analysis and interpretation phase in multilingual Private Law 1 tutorials, where African-language-speaking students were present. In my discussion of the ecology theory towards discovering appropriate affordances for the use of African languages in tutorials, I adopted Gibson’s (1986); Järvinen’s (2009) & Van Lier’s (2004) claims for the link between the ecology and learning which describes the contextual features and events in the zone of teaching and learning.

The theoretical framework for all three articles is portrayed graphically in Figure 1.1 below.

Humanising pedagogy as an overarching frame



ARTICLE 1 1 st leg	ARTICLE 2 2 nd leg	ARTICLE 3 3 rd leg
Translanguaging theory and pedagogy	The radical theory of education	Ecology theory
for translingual practices in a multilingual zone to fulfil a pedagogical purpose	based on critical pedagogy	towards relevance and sensitivity to language-use strategies and users of the languages in context

Figure 1.1: A three-legged theoretical mix structure

1.8 Conceptual framework

Some of the fundamental concepts of this study are already explained in Sections 1.2.3 and 1.2.4 of Chapter 1, namely the intellectualisation of African languages and translanguaging as a humanising pedagogical strategy. Now I shall be describing the concept of critical academic literacy with cognitive justice and epistemological access as my points of departure.

1.8.1 Cognitive justice

In this study, cognitive justice can be linked to epistemological access because it refers to the academic advantage of engaging fairly in thinking and reasoning processes as a result of equal opportunities created for effective learning. In this case the students' full repertoire of languages needs to be acknowledged as a tool for meaning-making and innovation. A humanising pedagogy thus means to be sensitive to the profile of the students in context through the application of pedagogical approaches that facilitate knowing what has to be known through the use of accessible language(s). Birkbeck (2013:4–5) observed that cognitive justice can be a means for improving students' academic environment by valuing their indigenous knowledge and ways of knowing towards potentially contributing to increased participation. She makes examples of their languages and oral methods of knowing and expressing knowledge.

1.8.2 Critical academic literacy

For the purpose of this study, critical academic literacy refers to university-level academic literacy that requires the functioning of intellectual abilities in a way that is critical and in-depth in respect of the analysis, interpretation, and drawing of appropriate conclusions based on discourse in context that is not found in the text in a literal manner. While acknowledging the importance of academic literacy in all stages of academic learning (including basic education), the term 'academic literacy' in this study has the umbrella function of covering various forms of literacies – and critical academic literacy is one example. However, it is important to note that academic literacy goes beyond the skills-based approach that focuses on things such as 'study skills', 'reading laboratories', 'writing workshops', etc. The fundamentals to note in this regard are Boughey's (2012) insights into the importance of students' dispositions, value, and willingness to use their home languages in academic learning ecologies. Boughey asserts that academic literacy practices should be 'contextualised' and 'positioning' of academic literacy events should be considered. To support Boughey (2012) on the notion of 'contextualising' academic literacy, Waterstone (2008), in her article titled *Critical academic literacy in a 'contact zone': International graduate students learn to write in a Canadian university*, suggests the importance of the critical academic literacy zone.

Critical academic literacy as one of the literacy discourses necessary for academic success at university, especially in law modules such as Private Law should be taught with the consciousness that academic literacy events are not independent of students' identities. I wonder how far we can go in teaching critical academic literacy when some of the arguments and advocacies are based on tacit knowledge. While acknowledging that in some social contexts literal reading can be the norm, or even important before plumbing the depths of understanding, Boughey and McKenna (2016:5) point out that it is important that critical reading requires an ability to use own knowledge of the world and of other texts to interrogate and challenge the text being read and to respond in a way which may include questioning its very basis. The realisation of critical academic literacy relies on the acknowledgement of the importance of situatedness in learning. This is a thought relevant to Street's (2003) view of literacy as a social practice rather than narrowing it down to acquisition of skills. Knobel and Lankshear (2007:7) and Gee (1996) refer to this understanding as 'socioliteracy'. This suggests that literacy is a social phenomenon that has a place where the literacy event takes place with embedded features, values in relevance to goals. In this study, the notion of critical academic literacy is also appropriate to undergraduate law students as an important feature towards epistemological access.

1.8.3 What is epistemology then?

One might ask the question: What is epistemology then? When talking about epistemology, words such as 'understanding', 'knowledge' and 'disciplinary content-understanding' tend to come to mind. This term was first used by a Scottish philosopher called James Frederick Ferrier when referring to the scope and nature of knowledge or rather the theory of knowledge as a sub-field (Ferrier, 1854:46). This is where he talks about the laws of knowing and thinking, the science of knowing and doctrine of ascertaining what is known and how it can be applied. I refer to Morrow (1993) on the topic of epistemological access as a uniquely South African understanding of access to higher education.

Following this discussion on the notions of cognitive justice, critical academic literacy and epistemological access in higher education, Figure 1.2 displays the situatedness of epistemological access in multilingual higher education ecology.

1.8.4 Epistemological access in a multilingual higher education context

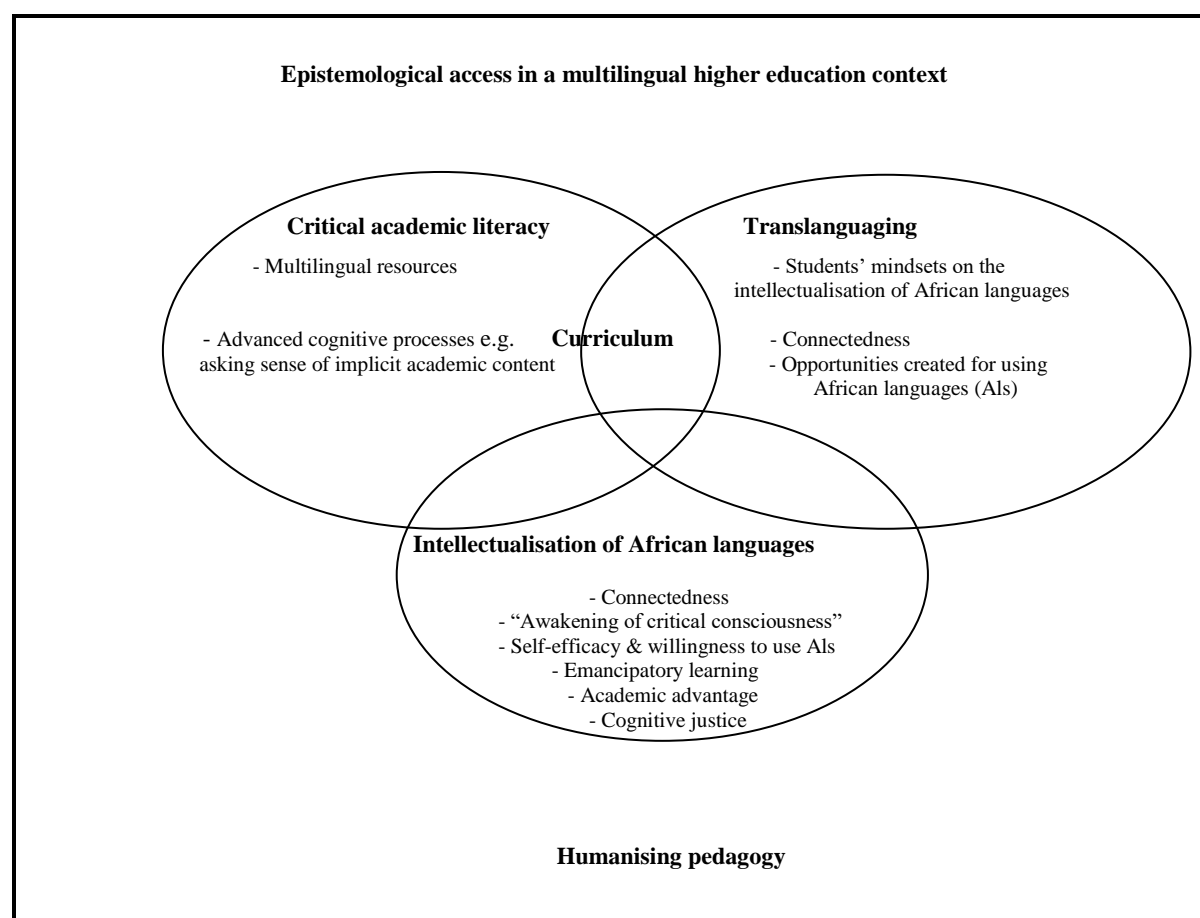


Figure 1.2: Epistemological access in multilingual higher education context

Figure 1.2 above illustrates a link between critical academic literacy, translanguaging pedagogy through creating opportunities for the use of students' home languages, and the attainment of cognitive justice – with a humanising pedagogy at the centre of these. A common feature of attaining epistemological access in higher education is that of perceiving 'language' as a valuable tool for knowledge construction. With epistemological access and cognitive justice as my points of departure, I include selected prominent notions of discussion that are crucial to accessing academic knowledge at university level, particularly towards advancing academic literacy in law at undergraduate level. From the same diagram, in the context of higher education, the definition of epistemology can be expanded into first understanding the nature of the discipline or theme one has to be literate in; being conscious of what needs to be known about a specific situation, and appropriating such knowledge to a specific academic zone and discipline. In this regard, a practical example of epistemological access (Morrow, 1993) resource for the advancement of cognitive abilities would be

language. With regard to language as a fundamental tool for epistemological access in multilingual higher education situations with African-language-speaking students, related factors and how they overlap are illustrated in Figure 1.2 above.

1.9 Research methodology

Maxwell (1998) and Denscombe (2014:3) note that differentiated procedures and research strategies may be adapted in pursuit of qualitative studies and that there are no single-way or rigid methods for designing a good research project. In this section, the term ‘methodology’ encapsulates the various plans, techniques, logical procedures and methods I used to respond to my research questions, including data analysis and the rationale behind choosing particular approaches. Sections 1.9.1 – 1.9.9 below provide explanations of the research paradigm, design, data collection procedures; data analysis and the interpretation of research results, along with ethical considerations and the credibility of findings.

1.9.1 Research paradigm

This is an interpretive, qualitative study which sought to give thick descriptions of the reality of the context (Cohen, Manion & Morrison, 2007:253; Tellis, 1997:46), namely (i) language use dynamics in dual-medium with multilingual students; (ii) students’ reflections on their experiences of these academic language encounters; and (iii) perceived or identified affordances for the official and organised use of these languages inside and outside the classroom. Drawing on the work of Cohen, Manion, L. & Morrison (2011:289) about the compilation of a case study, I recognised that there are many variables operating in a single case, hence I decided to use more than one tool of data collection and acquired many sources of evidence to satisfy the aims of this study. In doing so, captured numerical or statistical data were included where necessary – even though the study was mainly qualitative. A constructivist approach was employed in recognition of the reality (and what comprised such actuality in the classroom), with a view to obtaining quality descriptions of students’ mindsets about the use of their African home languages in academic activities; code switching; and co-langaging practices in Family Law and Law of Persons as semester modules of Private Law 1. For the former, I drew data from both what the students told me and my own class observation notes, while for the latter (Law of Persons), I relied only on students’ narrative perspectives. I also studied academic challenges of African-language-

speaking students as well as the affordances for the use of these languages in both lectures and tutorials. In an ontological view, situated interpretations (Raddon, 2010) assisted in the understanding of implicated impact of translanguaging patterns in terms of code switching and co-langaging patterns of the lecturers to students' content understanding.

1.9.2 Research design

I chose a case study method because I was looking for a research design suitable for interacting in person and by means of formally structured interviews. I wanted to critically observe language-use dynamics, with the aim of acquiring in-depth descriptions and understanding students' experiences. This would include critical insights into the classroom environment of the participants, who formed a small sample. In a constructivist sense, Andrew, Pedersen and McEvoy (2011:77) observe that the reality of the teaching and learning ecologies where language use takes place as well as what comprises such actuality are recognised. Thus, Private Law 1 African-language-speaking students, Private Law 1 lecturers and tutors in English-medium tutorial sessions form part of this reality.

1.9.3 Selection of participants

For the fulfilment of the intention of this study, I embarked on a purposive selection to acquire relevant 'information power' (Malterud, Siersma & Guassora, 2016:1753) to guide the small sample size of 11 students, 4 tutors and 2 lecturers for my qualitative study in line with the purpose of this study. Malterud *et al.* (2016:1753) described 'information power' as relevant information that is precisely useful in terms of guiding adequate sample size for qualitative studies. According to Malterud *et al.* (2016:1753), the more information the sample holds in line with the aim of the actual study, the smaller the number of participants is needed relevant to the theoretical mix or established theory and analysis strategy used.

I gave all the Private Law 1 students with African languages that are official in South African as their home languages a short questionnaire as a means of screening and handpicking those typically akin to fulfilling the primary objective of this research. The selection criteria for students were as follows:

- Having an indigenous African language that has an official status in South Africa as a home language
- Having matriculated in South Africa
- Being registered for the Private Law 1 module which is divided into two semester sub-modules, namely the Law of Persons and Family Law
- Being voluntarily willing to participate in the study after gaining adequate foundational knowledge with necessary clarities

The reason for deciding to focus on *official* African languages rather than *all* the African languages prevalent in South Africa was, firstly, to narrow the scope in order to ease the manageability of the data analysis and conclusion. Secondly, my decision was in support of, among other deliberations, the strong assertions of the Department of Higher Education and Training's (2002) Language Policy for Higher Education about the promotion of the use of African languages for academic purposes in South African higher education. After the call by RSA's Department of Higher Education and Training (2002) for universities to draft inclusive multilingual language policies towards ensuring that African languages are functional in academic activities and are promoted in multilingual university settings, a number of higher education institutions responded by revising their language policy documents and plans towards the inclusion of African languages in academic activities. I am also conscious of South African universities with multilingual language policies that have embarked on initiatives and research on the intellectualisation of African languages and have focused on national official languages that are commonly used in the provinces where the universities are located (Van der Walt & Hibbert, 2014). So, my intention was to have a research purpose that was closer to this scholarly work and to aim at complementing rather than complicating it.

In terms of the case, volunteer participants comprised of 11 African-language-speaking Private Law 1 students, 2 Private Law 1 lecturers 4 Private Law 1 tutors with English as the official language of learning facilitation in tutorials. I also convened a face-to-face meeting with the module lecturers, followed by a written formal request for participation. They responded in writing and I collected the letters from their offices, with one of them also e-mailing the letter of consent to me. For the purpose of my study, I was interested in observing only dual-medium lectures and English-medium tutorials. I selected tutorials that were

conducted in English because none of the participants in this study signed up for Afrikaans tutorials. The tutors were contacted through an assistant from the Department of Private Law who worked closely with the tutors and gave me information about time slots of tutorial sessions and venues. Four tutors signed *Informed Consent* forms for participation and were made aware of the non-participant tutorial observations that were to take place. As volunteer participants, the tutors' expected role was that of allowing me to sit in their tutorial sessions as a non-participant observer; completing a simple and yet formally structured questionnaire (e-mailed or paper-based); and verbally sharing with me their perceptions of the potential introduction of African languages in tutorials.

I also aimed at ascertaining whether they had any thoughts to share about the affordances of the use of these languages specifically with tutorial work. All the participation activities in the research process were embarked on by the key participants after I had received formal permission verbally and in writing from the dean of the Law Faculty and the head of the Private Law Department (see Addenda A and B); the consent of the Institution (see Addendum D); and the approval of the Research Ethics Committee (see Addendum E). I then asked the second-semester lecturer for Family Law to provide me with a module framework with the nature of tasks embedded in the curriculum. She gave me a copy in both English and Afrikaans. This became an important document throughout the data collection and analysis processes in my endeavour to study students' academic challenges in line with module demands. I ensured that the students received enough time to ask questions in person. That helped in developing a rapport with the students. They voluntarily committed themselves to my research project without any promise of favours of any kind or financial payment in return. In addition, they were not my friends, my relatives or direct subordinates in any form. I also gave the students information about my professional background and how that tied up with the study.

1.9.4 Data gathering tools

After I conducted two introductory sessions on the research project with the students, I handed out a brief about academic literacy and the purpose of my study. I spent the second semester of the academic year doing observations: sitting in lectures and tutorials, and interviewing the students in groups and individually. In the next year, I spent time viewing students' personal notebooks and lecture summaries and also continuing with focus groups

with the students who remained at the university and those who had left, but could still attend the set reflective sessions. Since three out of seven student participants who failed Private Law 1 left the university, some could not attend focus groups but still made themselves available for individual one-on-one interviews, sometimes over weekends. Others were reached via phone call and sent information electronically. The same applied to postgraduate students who could not be interviewed personally. Later in this dissertation, I discuss the fact that some of the students left the university after the first year. The focus group times for postgraduate students seemed to clash with those of undergraduate students, hence the postgraduates generally did not participate in focus group meetings in 2011. However, I could still be in contact with the senior students to draw data from some of them by means of e-mails and special arrangements via cell phone, as I had their cell phone numbers. One of the three students who left the university attended the focus group meetings and joined the others who remained. I enriched the data collection by conducting one-on-one interviews with this student and an audio-recording with another participant who had left. Group reflective discussions were also audio-taped and transcribed. A number of transcriptions appear in Chapter 4: Sections 4.7.4.1, 4.7.4.2, 4.7.4.3 and 4.7.4.4. The data indicated that another student who left the university after failing went back to her hometown with the intention of studying via a correspondence institution while looking for a job and working.

The data collection exercise was not easy but appeared successful. I informed the students that I would expect them to participate in 2010, and again in 2011 as a follow-up on how they had experienced academic literacy and language use in the previous academic year. I made sure that they had a basic understanding of the notion of academic literacy during the time I was collecting data, and I attached an introduction to ‘academic literacy’ (see Addendum K) to the hard copy of each questionnaire. I gleaned data from diverse instruments, namely:

- Individual oral interviews with the students (using isiXhosa and isiZulu alongside English with the purpose of attaining an added advantage of expression, drawing on the language repertoires that are common between mine and those of the participants)
- Non-threatening reflective discussions with the focus group (in a plenary) in 2010 and in 2011 to share and discuss reflections about language-use dynamics in academic zones including how such experiences impacted epistemological access in their view.
- Formally structured questionnaires completed by the student participants

- Print-outs and electronic versions of students' official academic performance results for the two semester modules of Private Law 1, namely the Law of Persons and Family Law
- Paper-based, formally structured questionnaires (with an option of responding via e-mail) completed by the two Private Law 1 module lecturers
- Paper-based and electronic questionnaires completed by English-medium tutors for Private Law 1
- Insightful and yet informal discussions about the subject matter and interaction with the students
- Field notes on critical lecture observations from 19 July 2010 of Family Law (second semester module of Private Law 1) until just before the commencement of the final exams
- Field records on English-medium Private Law 1 tutorials
- Individual informal interviews with the tutors
- Module framework of the Private Law 1 module in both English and Afrikaans.

The questionnaire that I drafted at the beginning of the research process was later edited a while after several class and tutorial observations had taken place. The editing was actually instrumental in clarifying some of the things that I was not sure of such as the criteria for attending module-specific academic literacy support programme as well as the language of facilitation in the academic support sessions. Completed questionnaires were collected after the academic results were released at the end of the academic year. The students who were absent from the meeting received the questionnaires via e-mail and they posted the responses electronically, in which case they decided to give me hard copies as well. Again, focus group plenary reflective discussions with the students at the beginning of the following academic year were productive in determining the students' mindsets around the potential use of their African home languages in academia, which included languaging patterns in lectures and in the Private Law 1 academic literacy intervention/support programme. In addition, individual interviews at the beginning of the following year (2011) were effective because the students were more relaxed and opened up a lot, probably because the individual oral interviews were conducted bilingually in isiXhosa and English. Although researching language use in the academic literacy intervention/support programme was not among my initial research objectives, it drew my attention as it spontaneously came up in the verbal reflective focus

group sessions and was also announced in lectures. Further data on critical insights about the relationship between the students' levels of academic performance and how language was used in class were drawn from completed questionnaires by the lecturers (see Addendum I). In the same questionnaires, the lecturers also had to share their critical observations on academic literacy challenges of African-language-speaking students. I employed various sources for triangulation purposes to verify data. I compiled field notes (see Addendum G) which I found to be useful for data analysis. Extensive data were gathered from a wide variety of research tools in this phase of research. It is evident that I used a variety of sources of data, and theoretical grounding led to making meaning of identified common themes that emerged as well as completely rare themes, especially those regarding the mindsets of first-year law students who matriculated from former Model C schools.

1.9.5 Data analysis

Since the data that I collected were qualitative in nature, the analysis had to be interpretive and rich to give a sense of the participants' experiences. To that end, I used Huberman and Miles's (1994:92) three-tiered analytic process (see Figure 1.3 below) to group and interpret that data across the various data sets. By reading and re-reading the transcriptions of interviews, my field notes and observation notes, as well as the responses to the various questionnaires, I could start to identify themes and sub-themes. As I worked through the data, I could start abstracting possible trends and I could synthesise the data across the data sets and link them to research insights offered by other researchers in the field. In the beginning my analysis of the data could be described as 'open coding' (Henning, 2004), specifically in Chapters 2 and 4. In Chapter 3, I started with open coding and, based on the themes that were identified. In the process of data analysis, I asked questions about these themes and reported on an additional layer of interpretation as portrayed in diagram below:

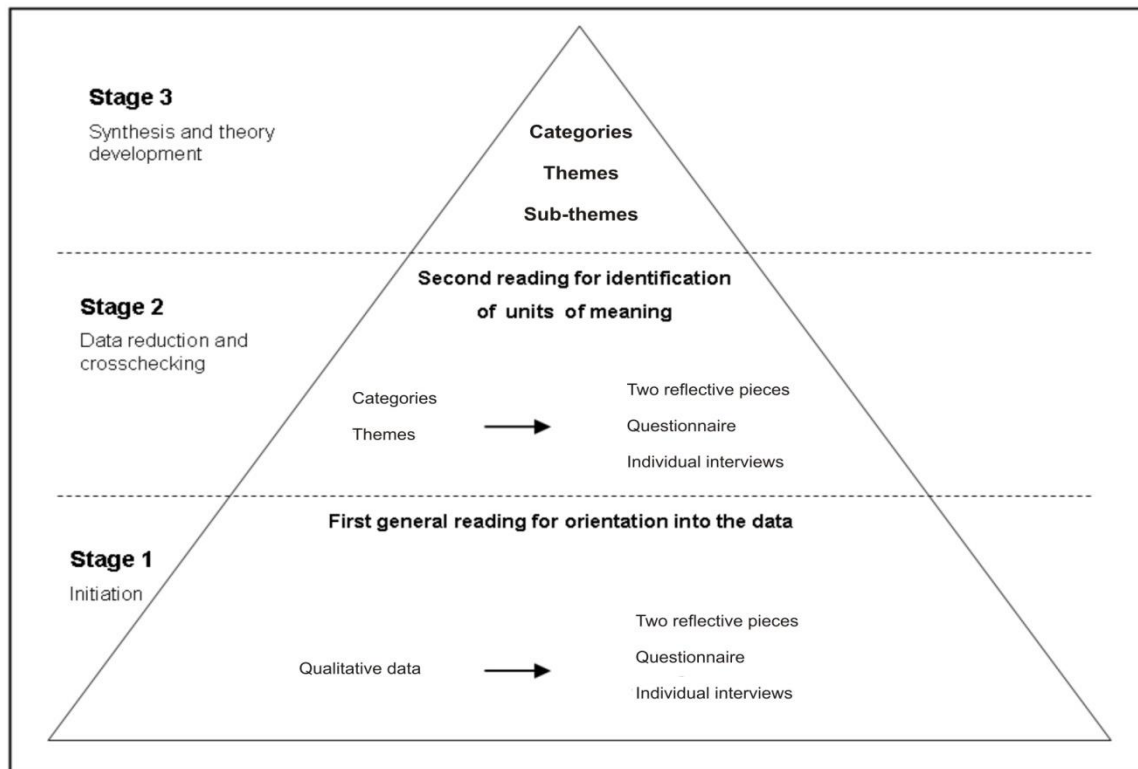


Figure 1.3: Diagram showing a three-tier analytic process for qualitative data analysis

Source: Huberman and Miles, 1994: 92

1.9.6 Ethical considerations

The Institutional Research and Planning as well as the Research Ethics Committee (Non-Health) granted me permission to conduct this study after following the necessary ethical clearance application protocol. At a meeting, the dean of the Law Faculty, finding my research project to be a necessity, gave permission to proceed with my study. I then sent an e-mail to the office of the head of the Department of Private Law to introduce my intention. I set up an appointment to present my research proposal to her office, revealing my name, my professional status, the purpose of my research and the name of the research funder of the potential key participants. She approved my proposal in writing. Each participant voluntarily agreed to participate in my research, indicating this by the signing of an *Informed Consent* form. Documents supporting the ethical validation of my research project may be found in Addenda A, B, C and D. In terms of authorship of the three research articles that appear in Chapters 2, 3 and 4, I solely conducted the research for all three articles. I co-authored Article 1 with my PhD research supervisor, Prof C van der Walt, whose role entailed making suggestions about the structuring of the article and adding her views on the appropriation of

interpretations on the notion of translanguaging and on theoretical and practical interpretation aspects of the results. The authorship of Articles 2 and 3 belongs fully to me.

1.9.7 Reliability, validity, credibility/trustworthiness

The use of divergent data collection tools validates and triangulates the findings of this study. I attempted to give as big a picture as possible by obtaining data from a variety of sources about the same issues: perspectives on the use of official African languages, and students' use of their home languages and experiences with dual-language lecturing and tutoring. The findings were triangulated with divergent sources of data and techniques used to validate the findings.

I consulted one of the former students about whom I reported, who was very sociable in the group, and who had contributed much in terms of the full completion of a structured questionnaire and oral interviews. She was asked to communicate with other participants via their social network about an open opportunity to do member checking (Birt, Scott, Cavers, Campbell & Walter, (2016:1802), so that they could check if the data was a true representation of what they had said in questionnaires and interviews or of what had taken place in lectures and tutorials. I gave her the titles of my three research articles and made it known that any participant who wished to access the content could do so and indicate whether they were uncomfortable about the potential content associated with my research articles. Another aim of this was for the student participants to satisfy themselves about their right to remain anonymous (pseudonyms had replaced students' real names in the document), most importantly in terms of reporting on real academic performance percentage scores (particularly used in Article 1: Chapter 2). Rationally, I endeavoured to remove information such as names of schools where the students matriculated to eliminate the risk of the participants being easily identified. Such information might have given obvious leads and clues to the identities of the student participants. The pseudonyms represented the home languages that feature in this study without necessarily implying that the names were directly linked with specific ethnicities. I did not receive any feedback and did not insist on any, as I was aware that the students had busy schedules.

Furthermore, as part of member checking member checking (Birt, Scott, Cavers, Campbell & Walter, (2016:1802) for verification of data for credibility purposes, I approached one of the

lecturers who participated in the study to critically read and edit or comment or disagree about the contents of one article that was directly linked to observations in her classes. She could not review the article as she claimed to be very busy at that time. I later, in the following year approached her again to verify accuracy of specific or selected content of what was covered in lectures and tutorials, and she did.

As much as this study was conducted with integrity, I cannot claim generalisability of the research results. The findings are rich, real and relevant to multilingual higher education situations because African languages are not the official languages of instruction at South African higher education institutions, except for learning use in tutorials and in lectures where the subject taught is an African language. The experiences of these students are, therefore, of interest for all tertiary institutions.

1.9.8 Limitations

Despite the fact that working with the lecturers and student participants went well, constraints were experienced in terms of working with the four English-medium tutors who were responsible for conducting tutorials where the 11 students were spread out singly. Added to this limitation of not getting much exposure to the tutors as individuals and tutorial observations, as I have noted in my reflective journal and classroom (lecturer and tutorial) notebook, there were several occasions when the tutorials were cancelled owing to a public holiday in that specific week and other reasons. For instance, on 28 July 2010 it was announced that there would be no tutorials during the following week of 02 August 2010. Again, on 04 August 2010, there was another announcement in the Private Law 1 lecture that the tutorial for Tuesday, 10 August would be cancelled as that Tuesday was to follow a Women's Day roster. A further announcement in a lecture held on 25 August 2010 in Room 230 of the Arts building, declared that tutorials would not take place the following week, but would resume during the week of 13 to 17 September 2010. This may have been due to the short September holiday. There was confusion about the change of venue between the Law building and another venue at one stage. In addition, trying to get all the completed questionnaires from the tutors was an awkward task, especially after the person who acted as my contact with the tutors vacated her post.

1.10 Appropriating the situatedness of the research gap in the field and contribution to the body of knowledge

Findings presented in this dissertation make an original and critically valuable contribution to the domain of applied language studies and academic literacy. The findings point to ways in which first-year students who use a minoritised language can be supported through a pedagogical framework that is humanising and student-centred. It would be ideal for the current micro-level language policy implementation strategies could be informed by the findings of this study, as the current language policy at my research site supports multilingual education as a steering mechanism for knowledge production and an instrument for the success as well as promotion of the use of isiXhosa as academic languages in the province where the university is located (Stellenbosch University webpage, 2016). The abovementioned language policy proclamations are relevant to this study, with students at the centre of language policy implementation schemes.

1.10.1 Addressing and demarcating the research gap in the field of study

Research on the attitudes of mother-tongue speakers of indigenous African languages to the use of their languages as languages of learning and teaching at university level is evident in the work of scholars like Aziakpono (2008); Dalvit and De Klerk (2005); Dalvit, Murray and Terzoli (2009); and Schlettwein (2015). However, this study goes beyond attitudes to investigate students', tutors' and lecturers' considered views and expressions of their state of mind on the intellectualisation of African languages. There is a gap in the literature about the intellectualisation of official indigenous languages where the majority of lecturers and students do not speak the official African languages. This study makes a novel contribution on how lecturers who do not share the students' languages can create spaces for multilingual learning and teaching. How can the dominant make space for the perceived marginal? This study contributes in that, instead of looking at the use of African languages as LoLT in isolation or as a substitute for English, it deals with the use of African languages alongside English.

This study is also an investigation into the mindsets of first-year law students who use African languages on a daily basis at home and with peers, regardless of whether they have graduated from former Model C schools. It is thus important to note that this study is

interested in the ‘additive’ rather than subtractive or monolingual use of indigenous African languages. By additive, I mean that African languages are used in conjunction with other languages, while subtractive refers to the replacement of one language by the other.

A study undertaken by Conduah (2003), which focused on the use of African languages alongside English, was an inspiration for expanding research boundaries to a study of this nature. In fact, Banda (2009:4) and Mqgqashu (2004:162) claim that monolingual or mother-tongue-only language-use models are not ideal in multilingual contexts, especially in African countries such as South Africa. Within these, it is true that each discipline might need a different approach to suit the nature of the academic domain as well as the student profile. Currently, there are many examples of work done in response to calls by the Department of Higher Education and Training (Clause 4 and Summary, 2002:16), which stipulate the encouragement of multilingualism in university language policies and practices. Some clear practical examples of the implementation of a multilingual language policy that includes African languages are found in Section 1.2.3 of this introductory chapter which is about the intellectualisation of African languages in South African higher education.

Apart from the potential relevance of the findings and discussions of this study for current language policy, what also makes this study relevant is that it is different from the common research on the intellectualisation of African languages in the following respects:

- There are a number of studies on the attitudes of African-language speakers regarding choosing between English and African languages of South Africa such as TshiVenda, isiXhosa, isiZulu, and so on. For instance, Dyers (1999:81) reported that “many students have challenged the notion that their language could ever be supplanted completely by another language”. However, my study is about the intellectualisation of African languages alongside English to promote biliteracy or even multiliteracy where polylinguaging is adopted. Schlettwein (2015), too, reported on attitudes of multilingual African-language-speaking students towards their mother tongues and other languages. In contrast, my study is not about attitudes but mindsets based on rational voices, logical thinking and reasoned decisions that influence the research participants’ willingness to use their own home African languages (and culture), and the value attached thereto.

- The methodology of data collection is usually based on quantitative or mixed analysis data gathered by means of paper-based or online surveys. Such studies lack the rich and in-depth qualitative data that my study has earned from in-person, interactive communication with the participants and observation of their actions in lectures and tutorials.
- Existing studies do not recognise the vitality of distinguishing between the fibres and textures of lectures and tutorials as contact zones for the affordances for the intellectualisation of African languages. My study, however, shows that instituting multilingualism should ensure that implementation in lecture halls and tutorials are different matters;
- What also makes this study unique is the fact that, in South Africa, there has been a rise in the number of registered university students who are users of African languages at home but at the department where this study was conducted, these students are still a minority in terms of enrolment numbers.
- Studies on African languages in higher education often focus on bi- or multilingual dictionaries and glossary development, and are sometimes generic rather than discipline-specific.
- Studies in this field are often based on subjects that are taught and learnt at basic education level, whereas Private Law is not taught at primary or secondary school level in South Africa.

1.10.2 Contribution to the body of knowledge

This study presents useful descriptions and understandings of students' experiences of language use in private law classes and tutorials. It also presents lessons learnt in both dual and parallel use of language specification implementation – which could be relevant for the institution's new language policy too. In fact, even though the language policy has been revised and the latest version – which embraces multilingualism – was effective from January 2017, nothing much has changed in terms of language policy implementation since 2010/11 when I collected my raw data. Even though the new policy stipulates that there should be an interpreting service in Afrikaans if the lecturer is speaking in English and the other way round (for first-year students), the tutorials are still offered in the same old way – in Afrikaans and English.

To address true multilingualism issues, my research report could influence transformative pedagogical practice in terms of an approach to tutorials that recognising the presence of African-language-speaking students even if they are a minority in enrolment numbers.

1.11 Conclusion

In summarising and concluding the first chapter, I would like to point out that the introduction to this study advocates for the acknowledgement of a broadened spectrum of African languages that are official in South Africa, rather than limiting the use to those prominent in the Western Cape region where the University is located. It is necessary to take into consideration the fact that the student profile of African-language speakers is made up of students coming from other provinces of the country, and even sister countries in the sub-Saharan region. This study also embraces the deliberation of the South African Constitution and Department of Higher Education and Training's Language Policy on Higher Education (2002:15) that regionally dominant African languages should be used and strategically promoted as academic languages where practicable in promotion of multilingualism. This implies that university departments should adapt existing strategies in line with discovered affordances for the use of African languages in academic spaces.

It has been indicated in this dissertation that the humanising pedagogy performs an umbrella function for a three-legged theoretical mix, with the radical theory of education for critical pedagogy, the translanguaging pedagogical theory and the ecology theory as the theoretical pillars of this study, which ultimately influenced translanguaging as a pedagogical practice. The mix produces an ability to intelligently 'steam up and stir' crucial language-in-education matters, intellectualisation of African languages in South Africa, translanguaging, demarginalisation of students' identities in academia, cognitive justice and epistemological access.

Chapter 1 introduces the theoretical framework, fundamental terms and concepts including the premise and, among other things, my position as the researcher. The theoretical mix interacts with the research questions shaped by the problem identified in the field of applied linguistics in South Africa in vigorous consideration of the 'language role' being what my argument as a researcher is proposing. Chapter 2 unveils the code switching and co-

linguaging experiences of African-language-speaking students in dual-medium lectures presented in Afrikaans and English. The pointers of willingness or unwillingness to use African languages, ‘intellectualisation’ of African languages and related perceptions are discussed in Chapter 3 where the notion of self-efficacy and mindsets of the students are focal points. Chapter 4 covers matters of epistemological, cognitive justice in relation to linguaging practices and related pedagogical practices, particularly in tutorials, and hence presents affordances for the use of African languages in law tutorials. Chapter 5 offers the conclusion in terms of responding to the research question, while outlining major contributions of this study. This chapter concludes by proposing deliberations for further research to complement the findings of this study.

I argue that inadequate switching to a student’s preferred official language of cognition can emotionally disadvantage and deprive the student from cognitive advantage through an accessible language use, and can consequently lead to epistemic disempowerment and alienation. By merit of this argument, I anchor this study upon the principles of a humanising pedagogy with embedded special value assigned to the importance of acknowledging the presence and profile of all students as soon as practically possible. Fataar (2016:10, 19) has argued that the life-world knowledges, literacies and identities of the students should be recognised in the pedagogical makeup. It is thus important to note that this study recognises an academic ecology as either physical in person or on line or other, as teaching and learning do not necessarily or always happen within the boundaries of the classroom walls. Taking heed of these observations within South African multilingual university contexts could – as this study suggests – extend opportunities of attaining academic advantage and thus increase epistemological access.

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CHAPTER 2

2. Translanguaging dynamics in dual-medium lectures with multilingual African-language-speaking law students

2.1 Abstract

This article presents a case of how eleven bi-/multilingual African-language-speaking university students, registered for a Private Law first year module, experienced code switching and co-languaging practices in ‘dual-medium’ lectures in a former Afrikaans-only university. The study aims at understanding students’ academic challenges related to this module; their views regarding the verbal and written switching practices in lectures together with related impact on the learning thereof. We analysed data from non-participant lecture observations; different questionnaires for both students and lecturers; individual and focus-group interviews as well as academic performance records. A complex picture emerges from the qualitative data analysis with, on the one hand, students’ concerns about imbalanced switching between Afrikaans and English in teaching (which they perceive as a disadvantage to those who were not familiar with Afrikaans) and on the other, crediting those co-languaging strategies that were useful to their learning. This complex picture also reveals that code switching and co-languaging in lectures are not the only factors in the academic performance of the African-language-speaking students. The article concludes that translanguaging arrangements to include African languages can be a dimension of a humanising pedagogy for the attainment of cognitive justice while acknowledging the complexity of epistemological access by first year students in a university department where they are a minority in terms of enrolment statistics.

2.2 Introduction

A considerable volume of research has been done regarding translanguaging in primary education outside South Africa (Garcia, 2009, 2014, 2015a, 2015b; Shohamy, 2006). Even though there is a fair body of research into multilingual higher education in South Africa (Madiba, 2010; Mazak, 2016; Van der Walt & Dornbrack, 2011), there is a scholarly gap in terms of revealing a distinction between the pedagogical principles of translanguaging and those of code switching and/or co-languaging in the modern day South African higher

education landscape, especially with subjects that are not offered at Basic Education level such as Law. In the instance of this article, the authors regard both code switching and co-languaging as bi-/multilingual strategies that form part of translanguaging as a broader pedagogical strategy. This stance is in adaptation of Mazak's (2016: 6) view that translanguaging essentially embraces 'any multilingual strategy' that facilitates creative languaging practices through drawing on an individual's linguistic and semiotic repertoires for meaning-making. Students who are speakers of official indigenous African languages of South Africa are the target group or the main case in this study. This article seeks to contribute to the understanding of how the target group experienced code switching and co-languaging dynamics in dual-medium Private Law 1 lectures presented in Afrikaans and English. It further aims to ascertain how such translanguaging practices have influenced these students' epistemological access.

In the past decade, there has been a massive increase in the enrolment figures of African-language-speaking students in South African universities, but for the students in the Department of Private Law in this case, the scenario is different. The target group formed a fraction of 11/373, which is 2, 9% of the 2010 Private Law 1 classroom population. This size represents the maximum number of the students who are speakers of indigenous African languages that are official in South Africa, meaning that the remaining 362/373 students had different home languages. This Private Law 1 module is divided into two semester modules, namely, the Law of Persons in the first semester and Family Law in the second semester. What adds to the uniqueness of this study is the fact that the lecturers of both semester modules of Private Law 1 were not proficient in the African languages which happen to be the home languages of the student participants. Having to choose between English and Afrikaans, all the students in this case indicated their preference for English as an official language of tuition. Students had to attend three dual-medium Private Law 1 lectures per week. Dual-medium in this article refers to the use of two languages that are given equal academic status in one class for purposes of learning and teaching. During the time of this study (2010), the lecturers were expected to teach 50% in Afrikaans and 50% English throughout a single lecture. This equal language-use ratio has become a pedagogical challenge for lecturers who were more comfortable with or acquainted to talking in one official language rather than the other. Drawing on complex nuances of the term 'epistemology', the points of discussion that follow seek to reveal how these students

experienced the simultaneous use of Afrikaans and English in lectures in a former Afrikaans-only university to understand academic discourse.

2.3 Argument

A considerable volume of research has been done regarding translanguaging in primary education outside South Africa (Garcia, 2009, 2014, 2015a, 2015b; Shohamy, 2006). Even though there is a fair body of research into multilingual higher education in South Africa (Madiba, 2010; Mazak, 2016; Van der Walt & Dornbrack, 2011), there is a scholarly gap in terms of revealing a distinction between the pedagogical principles of translanguaging and those of code switching and/or co-languaging in the modern day South African higher education landscape, especially with subjects that are not offered at Basic Education level such as Law. In the instance of this article, the authors regard both code switching and co-languaging as bi-/multilingual strategies that form part of translanguaging as a broader pedagogical strategy. This stance is in adaptation of Mazak's (2016: 6) view that translanguaging essentially embraces 'any multilingual strategy' that facilitates creative languaging practices through drawing on an individual's linguistic and semiotic repertoires for meaning-making. Students who are speakers of official indigenous African languages of South Africa are the target group or the main case in this study. This article seeks to contribute to the understanding of how the target group experienced code switching and co-languaging dynamics in dual-medium Private Law 1 lectures presented in Afrikaans and English. It further aims to ascertain how such translanguaging practices have influenced these students' epistemological access.

2.4 Humanising pedagogy as a theoretical principle

A humanising pedagogy is a teaching and learning process which Acosta (2015: 11, 272) views to have humanness as a central culturally sustaining phenomenon, based on ways in which people relate to each other. He further notes that a responsive curriculum is an important feature of a humanising pedagogy to increase student engagement for the formation of a positive academic identity. Price and Osborne (2000: 30) observe that the knowledge generation processes of student-to-teacher and student-to-student interaction are culturally/politically influenced and have implications for relational attitudes expressed in terms such as 'our students' and 'others'. In this sense, the formation of a humanising

pedagogy presents different challenges and lessons for lecturers and students alike which include how the teachers and students learn about one another's ways of being and thinking. According to Acosta (2015: 272-3), academics should conceptualise how they can build a humanising academic experience that is mindful of students' identities, that is collaborative and co-constructed so that all students may feel valid and valued. In addition, academics should create an educational atmosphere that is as fluid and powerful as the world we inhabit (Acosta, 2015: 172-3). In the case of this study, the language choices of students and lecturers are interpreted in the light of this broad theoretical frame by pinpointing the theoretical concepts that enable a humanising pedagogy in multilingual contexts. In language-use terms, the concept of translanguaging is particularly relevant towards facilitating a humanising pedagogy.

2.5 Translanguaging as a pedagogical practice

Tannenbaum (2015) views translanguaging as pedagogy. In an academic setting, Garcia (2014; 2015a; 2015b) perceives translanguaging as a resourceful pedagogical strategy that can be first theorised for educators to facilitate effective learning of content and subject-specific jargon by bi-/multilingual students and 'to challenge monolingual assumptions that infiltrate institutional language policies.' According to Garcia (2009: 45; 2015a: 140) translanguaging also refers to multiple discourse practices that bilinguals engage in to make sense of their bilingual worlds. According to her, translanguaging allows bilinguals to access complex linguistic resources in a fluid manner to optimise communicative ability for meaning-making. Hesson *et al.* (2014: 3) state that in academic settings, translanguaging affords the opportunity for students to flexibly employ home language practices or discourse practices or their entire linguistic repertoire for the purposes of advancing learning. Thus Baker, Bryn and Gwyn (2011) regard translanguaging as a pedagogical practice that may promote a deeper understanding of the subject matter as well as proficiency in the language in which the student has a poorer command. Garcia & Hesson (2015: 234) note that when teachers create spaces for flexible language use through translanguaging, it allows students' natural thinking processes to flow in an undisrupted manner which can help them to "make critical connections between languages" towards comprehension of complex content. This skill "to make critical connections" or "interpret texts" presented in one language through the knowledge gained from another language or languages is called 'translingual competence' Canagarah (2013; 2011b). Kramsch (2010: 17) define translingual competence as a meaning-

making skill or ability of ‘operating between languages’ through finding equivalent meanings in content presented in one language through the eyes of another language or languages. Following this logic, Canagarajah (2011a) and Jessner (2008) note that for multilinguals, multilingual competence emerges out of local practices where a full repertoire of languages is used to negotiate meaning by exploiting the different functions served by the different languages. This view that translanguaging makes it possible to draw on for the usage of a full range of languages is in direct contrast with the monolingual view of bi-/multilingualism, which expects complete mastery of each language in the repertoire. Van der Walt and Dornbrack (2011: 89, 98) show that ‘translanguaging goes beyond the spoken discourse. Van der Walt and Dornbrack (2011) report on the strategies of successful students through translanguaging practices that students perform by themselves in reading and writing. For instance, students can mediate cognitively challenging material on their own, drawing on non-verbal resources such as silent reading, multilingual glossaries, or dictionaries or internet translations and back translation. Even though Garcia mentions ‘bilinguals’ when talking about translanguaging, she recognises the ‘multilingual’ ecology where translanguaging takes place. As abovementioned, when the term ‘translanguaging’ is used in this article, it must be understood as an umbrella term for a variety of multilingual teaching and learning strategies, in line with the comprehensive and inclusive description of translanguaging offered by Palfreyman and Van der Walt (2017: 9). They state that ‘translanguaging is both a communicative action by individuals in a variety of situations and, by extension, pedagogy, when a lecturer creates the opportunity for translanguaging to occur’. This means that a translanguaging opportunity can be in a form of code switching, co-langaging, polylinguaging or other bi-/multilingual strategies.

2.6 Code switching as a translingual strategy

Code switching can be referred to as a skill and strategy (Shaik, 2016: 4) of formally or informally alternating the use of two languages or shifting between dialects or languages in teaching literacy to diverse learners in different social settings (McClure, 1977: 5; Young & Martinez, 2011). An interesting example of productive or ‘responsible code switching’ (Van der Walt, 2013: 142) is that which took place between English and Kiswahili in lectures that are officially meant to be delivered in English only at the University of Dar es Salaam in Tanzania. In this case, Shartiely (2013: 10) observes that English LoLT classes are supplemented by bilingual translanguaging where lecturers take advantage of knowing

Kiswahili, an indigenous African language for many students that is generally understood by the student community. Lecturers can do so by making use of intentional/planned code switching in a form of oral discourse markers to facilitate topic prominence and continuation thus successful content engagement.

2.7 Co-languaging

Where code switching refers to oral communication, co-languaging can be seen as a form of written code switching. In the university classrooms where this study was conducted, co-languaging is used to present content in two languages on PowerPoint slides and on lecturer-generated materials (notes, assignments and tests). Presenting languages side-by-side on the same page or the same slide can become confusing. In the case of this study, Afrikaans and English were presented side-by-side, which included Afrikaans- and English-speaking students, but excluded speakers of African languages. This negotiation has been referred to as a type of ‘marketplace’, where languages jostle for attention and their value fluctuates according to the demands of the speakers. This feature of classroom interaction will be discussed next.

2.8 The role of language in studying law

According to the Council on Higher Education (CHE), (2015: 13), language is the most essential instrument of a lawyer. However, when it comes to law education, language proficiency should be supported by language-use competence to synthesise new information that reflects critical and objective thinking processes as well as the demonstration of academic and critical literacy skills relevant for the law discipline (Papashane & Hlalele, 2014: 668). For this reason, undergraduate law students would need to be familiarised to models of legal genres and assisted with “samples of legal writing and critical reading genre models” they are likely to be confronted with in their legal professional practice so that they can master textual features that are central to legal discourse (Bangeni & Greenbaum, 2013: 81). Students can be encouraged to learn collaboratively while manipulating content related to these various law texts that also differ in levels of complexity. Communal learning in problem solving, debating as well as relating what happens in the classroom to what takes place in the outside world (Quinot, 2012) is essential. In this respect, law teachers can acknowledge the social aspect of pedagogical practises by facilitating collaborative learning

which allows the students to use their indigenous knowledge which includes home languages and culture as radical arsenals for epistemological access against the norm. In our view, the element of enriched communal learning offered by this intellectual thought that may support the use of multilingual strategies for law education, both by the law teachers as facilitators of multilingual law learning by multilingual law students in multilingual academic locations inside and outside the classroom, as well as beyond graduation.

In cases where students' home languages are not fully-fledged languages of curriculum delivery, Canagarajah (2011b) refers to the dynamic floor of the classroom as the 'marketplace': when students are speaking in their home languages while making sense of the language of learning and teaching, they create the possibility of gaining proficiency in the language of curriculum delivery, which is a step towards translingual competence. Against the stated background, within the framework of a humanising pedagogy, translanguaging, specifically in the form of code switching and co-langaging, led to the formulation of **research questions** that attempt to probe the degree to which humanising spaces were created in this classroom marketplace. The overarching question was:

How could translanguaging practices humanise pedagogical practices in Private Law 1 dual-medium lectures with African-language-speaking students?

This overarching research question was divided into the following three questions that were answered in a stepwise fashion:

2.8.1 Which code switching and co-langaging practices were employed during bilingual teaching of a first year Private Law module?

2.8.2 In what way did the code switching and co-langaging practices in dual-medium classes promote or limit content comprehension by African-language-speaking students?

2.8.3 How did African-language speaking students perceive the translanguaging practices of the lecturers of first year Private Law subject?

2.9 Methodology

In terms of identifying student participants, the prerequisite for students' participation in this study was that of having one of indigenous African language that has an *official* status in

South Africa as a home language; having completed Grade 12 in a South African school and be registered for Private Law 1. As part of purposive sampling, a list of all the students registered for Private Law 1 was obtained from the University's Registration Office, the Faculty Secretary, and compared to the one obtained from the Department of Private Law. To verify enrolment numbers in terms of the minority status of African language-speaking students, the field researcher contacted the Institutional Statistics Office. Regarding the *research approach, instruments and procedures*, a constructivist approach was employed in recognition of the reality (Andrew *et al.*, 2011:77) and what comprises such actuality in the lectures. Situated interpretations (Raddon, 2010) assisted in obtaining a rich understanding of the possible impact of code switching and co-languaging patterns of the lecturers on students' understanding of content. Data were gathered from diverse sources, namely, researcher's lecture observations, students' academic results, lecturers' insights expressed on questionnaires, individual interviews with the students, focus-group interviews (reflective discussions) at the beginning of the following academic year to understand the perceived effect of the dual-medium language policy implementation model on the academic performance of the African-language-speaking students. In the data reporting section, pseudonyms have been assigned to each student to protect their rights to anonymity, especially regarding their individual academic results. Even though the data were not generalisable, trustworthiness and validity were strengthened by triangulating the different data sets. The data were analysed by using a thematic approach to qualitative data analysis (Miles & Huberman, 1994: 92). For each of the qualitative data sets from classroom observations, interviews and reflective plenary discussions, variables of emerging themes of interest were identified (Andrew *et al.*, 2011:77). To enhance the trustworthiness of the qualitative data (Golafshani, 2003) regarding observations of code switching and co-languaging, linking similar points of enquiry were included in a variety of data gathering tools such as questionnaires to the students and lecturers and a focus group discussion.

Since it is not possible to claim a causal relationship between teaching practices and academic performance (in this case), the students' perceptions were nonetheless accepted as their reality that may answer the abovementioned main research question.

2.10 Results

It is important to note that some of the student participants were bilinguals and others understood English and Afrikaans as well as other official South African languages that are also indigenous to the country. Six of them understood Afrikaans reasonably, three understood Afrikaans at basic conversational level and two other students were unfamiliar with Afrikaans.

2.10.1 Classroom observations

The classroom observations referred to hereunder pertain to a sub-module of Private Law 1, named Family Law. The focus of data presentation is on observed lecturing style, academic values in lectures, language-use dynamics and classroom management, students' academic performance and the way in which they cope with the course delivery demands.

2.10.1.1 Academic value and lecturing style

When the lecturer asked a huge and packed auditorium in the very first lecture as to how many students did not understand Afrikaans, only one of the eleven participating students raised a hand. The lecturer put much effort into continuously creating platforms for students to be oriented towards Family Law discourse, by for example, emphasising the importance of taking down notes to complement the prescribed textbook. Students were given readings to prepare at home or outside the classroom for the next topic or lecture. To keep the lectures interactive, the lecturer would, from time to time, convene a debating session in recognition of the importance of speaking in the discipline of law. Even though the participation was low at the beginning, she insisted on using some rewards in motivating the students to 'talk' in class even for a short moment. The rewards technique encouraged the students to take the risk of voicing their insights and opinions, argue publicly and accept being critiqued. She encouraged debating and independent learning. She furthermore encouraged critical thinking and would do so through guided practice such as putting hints on the board to get students to think critically about the scenarios presented to them. The lecturer also pointed out the importance of students asking questions shaping their own understanding while helping everyone else in the class to think about possible answers. The above observations are

pointers of how the Family Law lecturer linked language use to the advancement of academic literacy practices of the law students. The lecturer emphasised active listening in lectures and encouraged students to engage in oral debates and discussion.

About the impact of the lecturing style, the students say that even though they never contributed verbally in the interactive lectures, the debate sessions improved their understanding through attentive listening. In addition, the lecturing style attempted to inculcate value for other matters that were important for a Private Law 1 student to be informed or think about even though the content was not necessarily explicitly covered in the module framework or prescribed textbook. For instance, on 22 July 2010, a cartoon was used to encourage students to think about anxiety that affects families. Furthermore, the students were encouraged to attend a colloquium about '*South Africa's Transformative Constitution*' led by a Judge of the Constitutional Court. This was an example of how knowledge engagement took place outside the normal classroom. Despite these measures, the students still identified an array of literacies they needed to acquire and develop to meet the requirements of the entire course.

Despite the comments that suggest how displeased the student participants were with the dual-medium set up, particularly the imbalanced use of English and Afrikaans, they all admired the lecturer for interpreting the individual questions posed in Afrikaans into English during interactive sessions. They also appreciated her sensitivity towards those who did not understand Afrikaans in cases where questions were raised in Afrikaans.

2.10.1.2 Language use dynamics in lectures

Regarding language-use dynamics, the lecturer told the students that in cases where in the PowerPoint slides the translation in English was lacking, they should listen carefully as she would make up for that in verbal explanations in English. Another significant co-linguaging factor was that it was not always easy to quickly figure out when one language stopped and the translation in another language started. In terms of verbal interactions, the lecturer appeared to assume that all the students understood English as she interpreted each question raised in Afrikaans in English only. In other words, she was aware that a certain portion of the class lacked proficiency in Afrikaans but did not seem to consider the possibility of students lacking proficiency in legal and academic English.

Although she encouraged them to ask questions when they lacked understanding, the African-language-speaking students who were participants in this study were not active in lectures despite the lecturer's efforts to engage everyone. For instance, she would create an opportunity for anyone to share their understanding by raising a hand when they had something to say aloud but the participants neither participated nor asked questions. Only once did an African-language-speaking student raise a hand and later dropped it without saying anything as if she was reluctant. The lecturer also strived to increase students' active listening practices as part of academic literacies required for the law discipline.

2.10.1.3 Student participation in class

Regardless of the various efforts by the lecturer to get the students to do pre-lecture reading of the chapters and legal cases to be discussed to advance their academic literacy practices required in the law profession, all the students in the case of this study neither debated, argued, asked nor audibly responded to any question in the Family Law lectures. Responding to why all of them were quiet during the special interactive moments in lectures, Mbali said:

I have never been particularly good at asking questions in bigger classes and 9 times out of 10, will simply discuss it with the person sitting next to me or with a friend after class.

It is remarkable to learn about how the students cope to overcome their weaknesses by using their classmates as resources to clarify content of the subject matter.

2.10.2 Data from individual interviews, focus-group interviews and questionnaires completed by the students

In this sub-section, a variety of data is presented for triangulation purposes. It also provides a description of students' experiences of co-languaging and switching patterns between Afrikaans and English.

2.10.2.1 Students' experiences of co-langaging practices

Pertaining to the use of co-langaging on PowerPoint slides and lecturer-generated study material, the students stated that the PowerPoint slides were in the same font for both languages with neither the use of contrasting colours nor that of a marking slash that divided the English from the Afrikaans version. They indicated that it was time-consuming to figure out where the next language would start. Two out of eleven students did not mind the lack of colour differentiation in slides: '*No, black is sufficient*'. Another student indicated that it would be better if the Afrikaans text were in a different colour to the English one in the slides. The students generally indicated that using contrasting colours or a slash between the two languages would help in noticing quickly where the other language starts or ends. They said it would have been better if each language were coded with a specific colour so that they could immediately look for that code in cases where students were interested in reading one of the two languages. One bilingual student felt strongly about the use of consistent colour codes for each language. However, those who understood both English and Afrikaans mentioned that it helped to view and 'take down' (formulate) notes in both languages even though it would sometimes be tiring. It was interesting to note that the students observed the unwavering foregrounding of the Afrikaans version by putting it first, followed by the English translation; which they claim helped them. The lecturer recognised the imbalance in the way Afrikaans and English were sometimes used in the PowerPoint slides (less English than Afrikaans). The small icons/ images used in slides were informative and helped the students to understand the content better. The issue of language switching and lack of confidence to speak aloud in a lecture in academic language remained a challenge for a majority of the students which again poses an additional crucial academic literacy concern which can be improved by means of, among other things, effective languaging.

2.10.2.2 Students' comments regarding code switching in English and Afrikaans

In completed questionnaires (See Addendum J), students offered two opposing views on the use of code switching in bilingual Afrikaans-English modules: on the one hand, it did not bother them and on the other, they were very much against the use of code switching. On the plus side, Tholakele, one multilingual Zulu-speaking student who is not proficient in Afrikaans shared a slightly different view of the dual-medium model. Even though she struggled with Afrikaans, referring to the Family Law module, she commented as follows:

Dual-medium kept me on her toes hence improves levels of concentration. In bilingual lectures, my concentration levels are assisted by the lecturer's passion and clear vocal descriptions.

Zama, a multilingual Xhosa-speaking student did not experience the code switching as problematic either but rather did not enjoy the practice. When asked whether the dual-medium bothered him, he said:

Not really because I'm used to both languages as mother tongues.

He, however, realised the existence of the difference between a home language and an academic language:

English in-law was tricky, not just fluency but how to think.

During individual interviews, all the students expressed their dislike of the dual medium. Option including those who said they were not bothered due to being proficient in both Afrikaans and English (as indicated above). In the plenary discussions, again, a consistently negative view about the dual-medium dominated. Most of the students said that they sometimes wished the lecturer could go back to what was said in Afrikaans and elaborate more in English. They expressed their wish for a strict rule about the percentage allocated to each language because some concepts explained in Afrikaans were not repeated in English. Participants commented on Afrikaans having a bigger share in the language-use ratio most of the time, and that the 50:50 ratio was a definite challenge. Lesedi, a bilingual Tswana-speaking student who attended an ex-Model C school and did not study her home language in Grade 12 and also not familiar with Afrikaans commented:

It is sometimes difficult to follow in class. ... I tend to miss out on the work which was communicated only in Afrikaans. It is such a strain to make extra efforts of translating that section of the work.

Siyanda, a multilingual Xhosa-speaking student was also negative about dual medium lectures had the following to say:

No, I waste half of my time listening to another language. I understand, but I lose focus.

Thatego, a multilingual Tswana-speaking student, who is also fluent in sePedi, Sesotho and English with a reasonable proficiency in Afrikaans reflects:

In one module, you have an impression that you going to be taught in the language of own choice. It was a fair amount of English and then she started moving towards Afrikaans, and it was Afrikaans and more Afrikaans. He adds: Some concepts are explained in Afrikaans but never repeated in English.

Karabo, who regards herself as having a balanced proficiency between her cultural language and English with some proficiency in isiZulu, who attended an ex-Model C school and not familiar with Afrikaans, lamented her lived experience of the dual-medium classes:

Very intimidating, was not easy to say, 'Go back to English'. Just brush it off to an extent that it was difficult to even realise that you do not understand.

In the above student's comment, the pronoun 'it' seems to refer to the level of intimidation and confusion experienced due to the dislike of the dual-medium.

Mbali, a multilingual Xhosa-speaking senior student but doing a first year Private Law 1 module observed:

It doesn't work as well when the lecturer is more comfortable in one language and struggles to keep a balance of 50% English and 50% Afrikaans.

In plenary reflective discussions, to answer a question on whether the students thought the imbalanced language alternation between Afrikaans and English influenced their poor academic results, a voice of Thatego echoes in the recorded tapes:

We were put at a disadvantage!

Karabo added:

What makes us to benefit is the language!

Continuing their complaints in plenary discussions, the student participants stated:

- *With T-Option, lecturers often forget an accurate translation for a specific word and would say: "What's the word? Ee-er, what's the word?"*
- *The talks were not balanced hence a majority of the participants in the academic literacy intervention programme was from the English speaking group.*
- *It is distractive in the processing of information even though I understand both English and Afrikaans. Sometimes I switch off and lose concentration.*

Karabo insisted that it could have been better if the curriculum delivery approach pertaining to language use was explained explicitly and in simple language on the University webpage or prospectus so that when they, as first-time university entrants know what to expect in terms of language use in the classrooms. In the overall, the students uniformly made

comments of disappointment, which were, of course, phrased differently. In addition, they indicated that academic work overload challenged their academic performance. However, they kept on making it clear that they understood that it was not easy for the lecturers to keep an equal ratio in terms of the verbal language alternation or code switching in lectures. They commended the lecturing style of one lecturer that made them aware of the academic competencies that were expected of them, things they probably would not have understood by simply reading the course module framework handout.

Similarly, the plenary discussions indicated that the students could not manage the code switched lectures well and their utterances contained tones of despair. At the same time they acknowledged that this type of lecturing was also cumbersome for the academic staff despite their displayed sensitivity of interpreting verbal questions expressed in Afrikaans into English and attempts of using icons to get them to understand. A consistent compliment by the students about the Family Law lectures was the promotion of listening in class.

2.10.2.3 Languageing strategies adopted by African-language-speaking students to cope with course delivery demands

In the context of their concerns with lectures, students reported a variety of coping mechanisms to advance content understanding or to pass the module and these were linked to language use in and outside the classrooms. In lectures, students depended on fellow students to master the content, by speaking softly to the person sitting next to them for a quick explanation in languages of their choice including African languages to get clarity when they missed a point or became confused during lectures. They reported getting help from senior students and from fellow classmates who were proficient in Afrikaans and were part of their informal study groups outside the classroom. Working in study groups featured as a strategy to master the work. They would interpret content in whatever active language(s) during study group discussions outside the classroom. The students indicated that they used isiZulu dialects more often when exploring Private Law 1 content in their informal study groups even by those for who isiZulu was not a home language.

Regarding learning and notes compilation, they would employ the following strategies:

- make a rhyme or an acronym and recite or form chanted rhythmic words or phrases in hip-hop style in their home languages to recall information pertaining to a certain prescribed book section or to internalise lecture notes after the class;
- relate to their own social experiences or cultural knowledge and transfer these in the mind while the lecturer is delivering the lecture;
- apply their own understanding and then summarise in English to rehearse for the formal assignments and examinations ahead;
- contextualise their own authentic notes to make sense of lecture notes and prescribed material, e.g. review lecture notes or a prescribed book section; and
- take heed of the feedback on test scripts from the lecturers.

In support of the above knowledge-processing strategies and thoughts, Anathi, a Xhosa-speaking student who struggled with understanding academic content presented in Afrikaans even though she studied it as a third language in high school and English as a first language commented:

Ezinye ii-thoughts azifiki ngesiLungu qho kuwe, ude urhalele nokuphendula ngesi-Xhosa.

(Some thoughts do not always initially come in English, sometimes one would wish to simply answer in Xhosa) [Translation by first author].

In answering a question on the strategies applicable when drawing from their home African languages, Mbali contemplatively reasoned that it was challenging for her to balance literacies in own African home language and English. In terms of this linguistic balance, Mbali viewed attaining academic language skills in an African language as imperative for enabling transfer that could advance academic English proficiency.

Nevertheless, the above languaging strategies show students' radical action (which is fundamental to the Radical Theory of Education) of using their bi-/multilingual abilities to their advantage, despite their home languages not being officially functional in the university classrooms.

2.10.3 Students' academic performance

Students' academic performance results, completed questionnaires by the individual students, focus-group interviews as well as responses from academic staff indicate that language was not the only issue which affected academic performance of African language-speaking students. Regarding factors of success, 3 out of 4 top achieving student participants had a good command of the Afrikaans language. This supports what the students have indicated regarding imbalanced switching and how it disadvantaged those with a poor command in or unfamiliar with Afrikaans. When it comes to the Family Law module, with 50% as a passing benchmark, 7 students failed, with the five lowest scores being from (30% to 35%). In this bracket, 4/5 = 80% happened to be first-time entering university students, fresh from high school. Data from the above-mentioned data sets thus confirm what the lecturers and the students have pointed out pertaining to the language influence and other determinants of academic performance levels such as academic literacy challenges of first-time entering university students.

2.10.4 Data from questionnaires completed by lecturers

This sub-section offers lecturers' critical insights on African-language-speaking students' academic challenges and the impact of language use to their academic performance.

2.10.4.1 Critical insights on what the students grapple with

Responding to the questionnaire (See Addendum I), specifically about significant module demands that first-year students generally grapple with, one lecturer mentioned that basic (generic) skills associated with legal training form part of the academic challenges and module demands that first-year students who have never learnt any Law subject before are faced with. Both the Law of Persons and Family Law lecturers thought that the aspects of the coursework that the students grapple with could be addressed by means of introducing language-specific mother tongue tutorials for African-language-speaking students. One lecturer thought that in these tutorials, African-language-speaking students would also have legal English terms and some of the more frequently used Latin maxims explained in an African home language. She thought that it could be beneficial to the students as some

concepts and terms of the Private Law module may be completely foreign to them while finding an appropriate translation may sometimes be rather difficult. Both lecturers thought that such tutorials would be beneficial in terms of achieving a positive effect on the way the students view the subject, and hopefully see the bigger picture. One lecturer identified the *application of knowledge of the work in tests and examinations* as a major challenge for the students. She added other challenges facing the students such as academic workload, students failing to prepare for class and to balance their academic obligations and social responsibilities.

2.10.4.2 The language issue and its impact on African-language-speaking students' academic performance

The language issue and impact on African-language-speaking students' academic performance was another significant theme that emerged in the data collected from the lecturers' questionnaire. In response to a question on academic performance levels of non-indigenous speakers of English and Afrikaans in comparison with their counterparts to ascertain whether the language issue had a big impact on the accomplishment of academic tasks, one lecturer responded that it depended on circumstances. She elaborated that some African-language-speaking students struggled more than the others did. She observed that apart from being non-mother tongue speakers of Afrikaans/English, there were other factors that influenced academic performance levels of the students, namely, an issue of the pace of adapting to the culture of the Private Law Department or that of the University. She elaborated that the students who adapted more quickly to the University because of their mindset had better marks and those who did not show an interest in coming to ask for help or assistance did not do well. She mentioned an example of students who communicated some of the reasons for poor performance after the final exams, when it was too late to say there were problems at home or they struggled severely to understand specific law content. The lecturers' critical insights about adapting to the culture of the private law domain referred to first year students, as they form a huge number. According to one lecturers' report, senior students registered for Private Law 1 academically outperformed first year students, as can be expected.

2.10.5 A link between academic language proficiency, academic performance and student retention

The students presented a number of ideas on what could have worked better and the level of support they required with academic literacies in the Private Law 1 module. Even though they all obtained a passing score in the *Law of Persons sub-module*, a majority of them performed poorly in the *Family Law sub-module*. In a total of eleven student participants, seven failed and three (Anathi, Tholakele and Zama) left the University. Zama and Anathi left for another university in the same province, with the former sticking to the law discipline and the latter changing to a different field of study. I was curious to find out if these students passed other modules apart from Private Law 1 (which they failed), and they said that they had passed a number of modules. In audio-recorded individual interviews that were held in 2011, Zama revealed that he re-registered for Law, but had to repeat the first year at the new University. He was, however, credited for a number of modules that he passed at the University which was my research site for this study.

Audio-recordings of individual interviews captured in 2011 reflect Anathi's disclosure of her having had to change the course due to her frustration about the use of Afrikaans in tutorials and lectures, a language that she was not reasonably proficient in. She said that was one of the reasons she left for another tertiary institution where she hoped that no dual-medium would be used and that the tutors would allow them to code switch to her African home language. This is the interview where she said sometimes one wishes could express a point in Xhosa (as mentioned earlier). It is in the same interview that she expressed her willingness to use isiXhosa, her African home language, as she indicated that she often struggled with academic English too which negatively affected her content understanding of Private Law 1 lectures.

Anathi also complained about the state of tutorials and the fact that they did not have the liberty of seeing the lecturer frequently and without an appointment, as she used to do at school level, which she claims made her perform well in school. She claims that she passed the subjects taught by those teachers who were more available for consultation. While Anathi spoke fondly about these basic education teachers, she, however, blamed the manner in which isiXhosa as an additional language was taught in high school as she claimed that the standard of teaching did not equip her with academic literacy competencies such as academic referencing skills needed in their very first year at university. Even though the new

institution used English only, Anathi decided to change her course to escape the academic literacy challenges associated with law. After failing Private Law 1, Tholakele left the University for her hometown in search of a job while pursuing distance education. Four other African-language-speaking students who also failed Private Law 1 decided to remain in the same institution and repeated the module.

2.11 Discussion

This discussion presents data synthesis and reasoning on recurring themes relating to the role of translanguage teaching and learning strategies.

2.11.1 Recurring themes on multilingual academic literacies

In terms of Miles and Huberman's (1994: 92) analytic process, after identifying themes and categories, the data were synthesised by abstracting commonalities across the data sets and linking the data to other research insights. From the data, a complex picture emerges of the translanguage dynamics in the Private Law 1 module. Although students do not like code switching, they appreciate the lecturers' efforts of clarify meaning by code switching. From their perspective, it is clear that epistemological access and academic literacies development were influenced by the use of code switching. Lecturers would do well to remember that code switching cannot be effective when a number of students do not understand one of the languages being switched to (Van der Walt, 2013: 147). The African-language-speaking Private Law 1 students suggested a consideration of the following points for reviewing the activities in the academic literacy support programme towards customised learning support in line with their needs and challenges:

- Students' challenge with regard to the acquisition of academic law discourse;
- Students' need to manage a high volume of academic workload;
- Improving expected academic writing conventions in law;
- Application of knowledge in tests and examinations as one of the major academic challenges; and
- The students' need for support that specifically deals with the application of legal principles in real legal cases.

Three of the five bullets above are congruent with some of the lecturers' critical insights about academic challenges of the students. Classroom observations indicate that the lecturer for the Family Law first year module laid emphasis on the development of academic literacies as a vital recipe for succeeding in the Private Law module. She gave feedback on the participating students' assignments in English and conveyed an awareness of the importance of academic writing in law by indicating a need to improve the quality of answering long questions. The attempts of the lecturer to increase students' academic literacies in the specific law subject helped the students recognise the importance of crossing the fence between inside-the- classroom and outside-the-classroom learning, which Kuh, Douglas, Lund and Ramin-Gyurnek (1994) regard as an artificial boundary. They did that by organising themselves into groups and engaging in self-directed academic activities outside the lectures and discussing in African languages and English in trying to achieve the academic literacies the lecturer stressed in the lectures. Zama, a multilingual Xhosa-speaking student who obtained a performance mark of 30% in Family Law said that Afrikaans and English are like his other mother tongues. His coping strategies included engaging in collaborative learning with both speakers of indigenous African languages of South Africa and Afrikaans in an attempt to master the academic language.

2.11.2 Students' copying mechanism and stance on code switching

All the students who are speakers of indigenous official South African languages disliked the dual-medium lectures but to different degrees. However, a few of them mentioned that dual-medium did not bother them and that code switching occasionally helped in terms of stimulating concentration. They said co-languaging helped with comparing notes with Afrikaans-speaking peers. However, they admitted they would sometimes get bored or lose focus. That is why the students who understood both English and Afrikaans sometimes worked with African-language-speaking students but at times with Afrikaans-speaking students to tap into a variety of linguistic resources. From students' appreciation of lecturing strategies (co-languaging, interpretation of questions into English, use of small icons, lecturer's passion and clear vocal expressions) it is clear which strategies they found supportive of their learning. Students and lecturers, regardless of the students' language background, identify the discourse of academic law as a problem. This suggests that the first year students who were participants in this study had additional challenges in achieving academically apart from proficiency in LoLTs and language use in lectures. Other challenges

experienced by the students that were noticed by one lecturer include adapting to the discipline of Law and the culture of the Private Law Department. Sensible as the above points are, they cannot overshadow the significance of the resourcefulness of language with regard to epistemic access to the discipline of law. One student proclaimed, “*Language is what makes us to benefit in lectures.*” Having said so, according to Huang (2013: 17), academic tongue or even academic English that was a challenge for most of the students, “is no one’s mother tongue.” It is thus inaccurate to assume that all African language students struggle with academic discourse offered in English because even students who are mother tongue speakers of English cannot claim legal language or else academic English to be their home vernacular as Huang (2013: 17) asserts. When the abovementioned language of learning and teaching needs are not adequately fulfilled in lectures, the student might be discouraged and drop out or perform poorly. For instance, the low achievement rate of 45% pass rate by African-language-speaking students and students’ apprehensions posed a possible challenge in terms of student retention.

2.11.3 Moving forward: Translanguaging as a humanising pedagogical strategy

Anathi’s case study as a first-time university entering student confirms that student’s poor academic performance is usually influenced by a variety of factors such as language proficiency levels in the language used in pedagogical activities, the academic ecology in terms of how the student relates to academic staff and fellow students as well as social factors outside the class. The acknowledgement of sensitivity of the lecturers towards the students who were not proficient in Afrikaans emerged across the various sources of data collection of this study. However, this awareness was not consistent and did not always result in code switching and co-languaging strategies that can be regarded as evidence of a humanising pedagogy. For instance, perceptions that the lecturers are more comfortable with speaking in Afrikaans than in English and that ‘*some concepts are never repeated in English*’ suggest that responsible code switching patterns need to be observed by the lecturers in line with the linguistic profile of the students beyond the formalistic requirement of spending 50% of the time on each language. This rigid 50:50 switching ratio between Afrikaans and English is impracticable for the lecturers and in that way frustrates the students in terms of their expectations and levels of academic engagement. This finding urges a re-visitation of the institutional language implementation strategy (during the period of this research). This is to

say, code switching and co-langaging as forms of translanguaging by the lecturer in contexts where students are not familiar with one of the languages being switched to are discredited as pedagogical practices. Another theme that came out (See 2.10.2.3) was that of the status of academic language skills in African languages to realise biliteracy in African languages and English.

Taking translanguaging as a potential solution, none of the successful code switching strategies mentioned by Shartiely (2013) would be possible in students' indigenous official South African languages as the lecturers in the study are not proficient in any of these languages. This is the point at which an appropriate ideological and practical conceptualisation of translanguaging is needed: a conceptualisation that raises the status of other *official* national languages that are used by the students at home and outside the classroom.

Translanguaging arrangements in languages other than Afrikaans and English could create spaces for processing information within limited lecture time. This would enable African language speaking-students who are not reasonably proficient in one or both of the languages spoken by the lecturer to receive cognitive justice. This requires a mindset of a humanising pedagogy which Fataar (2016: 10, 19) argues should recognise the life world knowledges, literacies and identities of the students. This recognition can, according to Kese and Van der Walt (2015), be done through granting students a 'whispering moment' for making sense of academic content in class for two minutes to check understanding with those sitting close to them, using languages they command well, even if it means applying code meshing (Canagarajah, 2011a) tactics. This negotiation of meaning moment does not have to be done orally all the time; it can take place silently where students process information using multilingual learning resources at their disposal to prepare questions for current or future lectures. These could be bi-multilingual notes in the form of the Internet, multilingual meaning-making sketches and mobile translation devices (Kese, forthcoming). This pedagogical act would then save the students from a feeling of linguistic alienation and epistemic deprivation. One of the most common coping tactics in the face of inequitable language use is that of taking the information from lectures and processing it outside the classroom through translanguaging and other forms of collaborative knowledge construction with peers, or individually as the students reported. In this regard, lecture summaries also become an alternative of after-class content processing.

It is clear that code switching and co-langaging practices were indeed used by the lecturer in the two privileged languages, Afrikaans and English. The lecturer not only switched during the lecture, but also took the trouble of translating questions into English. PowerPoint slides used both languages and the lecturer explained a method of talking to the PowerPoint presentation. As far as students' experiences of code switching and co-langaging are concerned, it is clear that their content comprehension suffered. The lecturer did not use fonts or colours consistently to distinguish the two languages on the PowerPoint slides. On the one hand, the students perceived the code switching to be skewed in favour of Afrikaans, which limited their understanding. On the other hand, the students mentioned that they could see the lecturers' efforts to keep the required balance. Students were outspoken in their criticism of code switching between Afrikaans and English while indicating that the Institution could have provided support to them in consideration of imbalanced switching. They relied on each other for support and used a variety of translanguaging strategies to strengthen content understanding of Private Law 1. Indigenous African-language-speaking students' ambivalence about the lectures while complaining about code switching shows the complexity of the situation they were in as first year students. Notably, all the first-time university entering students, in other words the African language students who failed either did not study or studied their home language as an additional language subject. The one who studied her home language as a first language passed Family Law, which suggests that the language skills of African home language may have supported academic literacy advancement for epistemic access. Nevertheless, doing a subject that the students had never done at Basic Education level and being at an institution where they are a minority in terms of numbers confirm the complexity of the predicament where language became emblematic for a range of issues.

2.12 Conclusion and proposal for further study

This study aimed at contributing towards an understanding of translanguaging dynamics in dual-medium lectures with bi-/multilingual African language-speaking university students in a Private Law 1 class. Despite the language issue, which relates to imbalanced code switching in lectures, the data in this article confirm the complexity of epistemological access with first year law students in line with the already existing literature on this topic. In dual-medium education where academic material and lectures are presented in Afrikaans and English, African-language-speaking Private Law 1 students would need sound literacy in an African

home language to support meaning-making in these languages. Beyond code switching and co-langaging, the humanising pedagogy of translanguaging can be extended to other academic literacy practices. For example, regarding note taking, the lecturer could encourage the students to engage in formulating their own notes using whatever languages, bi-/multilingual sketches, shorthand, diagrams, codes and symbols that could contribute to meaning-making of the content of slides and knowledge construction to complement the textbook. Students themselves demonstrated an activity that could be incorporated into lectures. The analysis of data shows that there are various reasons why the small group of research participants kept quiet in class and neither asked nor responded to questions. Nevertheless, one student overcame this problem by simply whispering to a peer sitting close by or clarify whatever matter by asking a friend after the lecture which indicates that students do find ways to cope in difficult academic situations. In the context of this class, where the lecturer insisted on students responding in class, the academic literacy benefits for the students could have been maximised if the communication lane was not only vertical, i.e. from the lecturer-to-student and student-to-lecturer, but also horizontal, i.e. the student-to-student engagement.

This article presented African-language-speaking students' experiences of language use in dual-medium lectures. A possible accommodation strategy could be to identify the departmental academic literacy support programme and tutorials as possible ecologies for translanguaging into African languages. The African-language-speaking students who attended English-medium schools and who were generally confident speakers of English, still needed to augment their competence in the academic literacies required for the Private Law 1. This confirmed what Huang (2013) says about academic English being no one's mother tongue and Haigh (2012: 49)'s observation of the peculiarity of English for law. Translanguaging by and for Private Law 1 by African-language-speaking students should be empowering, purposeful and language skills-embedded. While this is so, it could be stereotypical and prejudicial to assume that African-language-speaking law students at first year level are the only ones who need to advance their academic literacy practices in-law, in cases where English is a fully-fledged language of course delivery.

Further research on the affordances for translanguaging that allows for operation of African languages includes identifying other academic ecologies apart from lectures, namely, tutorials and Private Law 1-specific academic literacy support programmes. Unless *official* languages

other than English and Afrikaans are functional in higher education for equitable and accountable language implementation plans that pave a way towards the epistemological gateway, multilingual education does not fulfil its promise as a humanising pedagogy.

2.13 References

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2.14 Addendum: Questionnaire to African language-speaking Private Law 1 students

A. PERSONAL DETAILS & LANGUAGE PROFICIENCY

- A1. Gender: -----
- A2. How many languages that are official in South Africa can you understand oral communication in? Name them in their order of proficiency:
i) ----- ii) ----- iii) ----- iv) ----- v) -----
- A3. Are you fluent in both English and Afrikaans? -----
- A3.1 Which of the two languages do you have a better command of? -----
- A3.2 Why? -----

- A4. Which language is mostly used at home? -----
- A5. As modern day youth, do you perceive your African community language/home language/mother tongue as a shame or being almost valueless as some modern youth would say? For instance: "Where is my African language gonna take me anyway?"/ "What am I going to do with my African language? -----

B. ACADEMIC

- B1. Give the name and location of school where you matriculated. -----
- B2. Did you study your home language or mother-tongue in Grade 12? -----
Higher/Standard Grade? -----; Symbol obtained? -----
- B3. Which degree/qualification are you registered for this year? -----
- B4. With the verbal explanation and notes that I gave you as an introduction to the key concepts of this study, were you equipped/familiar with such skills and/or practices in Grade 12? -----
- B4.1 If yes, in which language were your academic literacy practices better developed? -----
- B4.2 List two academic literacy competencies that you have transferred to university and also regard as currently helpful with your law studies:

 B4.3 Do you think that sound academic literacy practices are crucial for meeting the demands of understanding lectures, doing assignments and performing well in tests? Yes/No? -----

For instance, -----

B5. Did both Private Law 1 semester modules strengthen your academic literacy competencies? -

B6. How did you perform in the first semester with the Law of Persons module? -----

B7. Were you selected to attend the Academic Literacy Development Programme (ALDP) to support learning? -----

B8. Did you attend the study methods workshop for Private Law students held at the Wilcocks Auditorium on Friday the 13th of August? -----

B8.1 Have you gained anything new from the ALDP? /Was it worthwhile to attend? Any specifics of empowerment? -----

 B8.2 Do you think if those study skills were taught in mother tongue to the students who do not have a strong command of either languages of instruction in Private Law 1, their acquisition of the skills would improve and it would be even easier to comprehensively apply them in English medium classes? Please support your point of view. -----

C. CRITICAL REFLECTIONS

C1. How did your level of academic literacy influence your first year performance at university so far? -----

C2. Do you think the T-option/dual-medium (One lecture presented simultaneously in both English and Afrikaans in one period) works well for you? -----

C2.1 If yes/no, in which sense? -----

C2.2 On the PowerPoint slides, do you think it would be better if English was a different colour print to Afrikaans? For instance: Would it make a difference in terms of the time spent trying to figure out where the one language starts or the other ends or searching for a slash to get to the beginning of the English version/translation? -----

C3. What teaching strategy (ies) in Private Law 1 contribute (d) to your motivation and understanding of course work? -----

C4. I have observed that the lecturer for Family Law encourages attentive listening? Was this important or less important to you? -----

C5. When the lecturer encourages active participation during heated interaction in terms of

discussion of cases, do you find it difficult to ask questions in big classes? / Have you not been asking simply because you had nothing to ask in the July/August lectures?

C6. Mention one thing that you appreciate about the way the course is presented. -----

C7. Did your high school education equip you with academic literacy skills? In which language(s)? --

C8. Did your academic literacy practices grow unconsciously? Which efforts did you pursue to advance them? -----

C.9 Do you think the implementation of dual medium influenced your academic performance? -----

In what way? Please briefly explain or give an example of an occurrence. -----

D. IN-DEPTH AND CRITICAL PERCEPTIONS OF THE INTELLECTUAL CAPACITY OF AFRICAN LANGUAGES

D1. Do you think isiNdebele/isiSwati/isiXhosa/isiZulu/Sepedi/SeSotho/Setswana/Xitsonga/TshiVenda can be intellectually utilised in an academic setting? Share your perceptions of the potential of these languages in tertiary academic settings, particularly the Private Law 1 module. -----

D2. What practical strategies do you think South African students can apply to draw from their mother tongue knowledge towards advancing their proficiency in the type of English used in the Private Law 1 module? -----

D3. Give advice/commentary about the potential initiative of the use of African languages within the Private Law 1 module. -----

I am forever indebted to you for your valuable contribution on this academic research and
Ministry for Hope in Education & Educating for the Good.

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CHAPTER 3

3. Mindsets of university law students on the intellectualisation of African languages for the enhancement of academic literacy practices

Some of these practices have conditioned the minds of students to believe that their success in a globalised and capitalist world depends solely on the mastery of English language. ... Silencing the voices—in some cases—which confront and challenge students' success at universities, in many ways, tend to have a direct bearing on students' access to knowledge, academic performance, and meaning making, to mention a few.

– Mayaba, Ralarala and Angu (2018:2)

3.1 Abstract

In an age when many university students feel that the use of English as an academic language presents a welcoming university culture, there is also a need to intensify the functioning of the official indigenous African languages of South Africa in multilingual university contexts. I argue that meaningful intellectualisation of African languages in higher education can be realised if African-language-speaking students who use these languages at home are consulted to find out from them whether they: (1) perceive any value in the possible use of their African home languages in academic activities; (2) would be willing to use these languages should opportunities be created for them to do so; and (3) have suggestions regarding preferred academic ecologies that would afford official use of African languages alongside English towards the realisation of cognitive justice. To acquire in-depth descriptions and understandings of the mindsets of African-language-speaking Private Law 1 students regarding my argument for the study, I adopted a case study design for the small group of 11 students who were the research participants. Data collection tools were individual interviews with the students, formally structured questionnaires, and focus group reflective discussions. Findings revealed that Private Law 1 students had mixed mindsets that were vastly positive, with some pessimistic tones about the practicality of the official functioning of African languages towards the advancement of their academic literacy practices.

3.2 Introduction

Discipline-specific learning needs and students' reflections on their experiences of language-use dynamics in academic zones such as lectures, tutorials and academic literacy support programmes can inform the restructuring of language policy implementation in pursuit of multilingual pedagogical practices. Balfour (2007:41) observed that language policy implementation is often "an exhaustive and emotive exercise that sometimes seems to provoke a conflict of interests". This reality is evident in South Africa in the light of language policies that aim at promoting multilingualism in the direction of the intellectualisation of African languages for transformative pedagogical practices at micro level. By intellectualisation, I mean resting minoritisation by making African languages functional in educational processes and academic activities or promoting the use of African languages in intellectual operations. Student-centredness is crucial for the formulation of affordances towards the intellectualisation of African languages; hence, the students with sociocultural connectivity with these languages need to be involved in the rational identification of potential academic ecologies for intellectual operation.

This article is part of a bigger study, and the case study site was a Private Law Department at a university that adopted the dual use of Afrikaans and English in lectures and the parallel use of these two official languages in tutorials. By this I mean that in tutorials only one language was used at the time of my study, depending on the language-of-tuition choice of the individual student attending the tutorial. In a country such as South Africa, where law subjects are not offered at basic education level, the challenges of epistemological access are likely to intensify for law students entering university for the first time – thus adding to the common, generic challenges resulting from the transitional gap between basic and tertiary education. Private Law 1 is a module that was compulsory for a variety of law programmes, including post-graduate courses; hence, not every student who was registered for Private Law 1 at this University in 2010 was a first-time-entering student.

This study recognises the overwhelming research on language attitudes around choosing *either* English *or* an African language. It is also aware of the common perception that there is less demand for the use of official African languages of South Africa in higher education, in favour of English. However, this cannot be a sweeping assumption and the voice of the home

users of African languages needs to be recognised in the language policy implementation plans and at micro pedagogical level.

This article reports on African-language-speaking students' mindsets; that is, their rational thinking based on reasoning beyond mere attitudes around the use of their African home languages *alongside* English, towards advancing academic literacy practices in the Private Law 1 module. In this sense, the intellectualisation of African languages does not aim to "restrict students to their own vernacular" (Freire & Macedo, 1987:7). It is, nevertheless, not enough for African-language-speaking students to engage in *unofficial* use of their home languages in self-directed learning *outside the classroom*. For this reason, it seemed necessary to explore the degree to which the formal use of African languages might seem possible to the research participants in this study, where they formed a small minority of the class.

3.3 Background

The transformation of higher education curricula, language, and matters around access are current in South Africa. On the issue of language policy, Le Cordeur (2017:2) claimed that it was a "controversial subject of contestation in higher education in South Africa". This is why the notion of intellectualisation of indigenous African languages needs to be research-informed and done in consultation with African-language-speaking students to obtain their rational and authentic voices about the matter. Leibowitz (2015:38) observed that inefficiencies regarding language policy planning and implementation are due to neglecting the importance of the perceptions of the users of such languages. Students with ancestral roots or cultural connectivity with African languages of South Africa ought to get an opportunity to think about how their home languages can realistically feature in multilingual academic ecologies alongside English for possible biliteracy gains. In such instances, the creation of opportunities to promote the use of African languages at university level in South Africa can be done without necessarily making students choose against existing languages of learning and teaching (Sachs, 2017). I argue that productive and formalised use of African languages in institutions of higher learning is reliant on perceiving these languages as carrying a currency that is investable in the interpretation, questioning, reviewing, discussing, understanding, innovation in knowledge processes, and re-formulation of academic knowledge. By 'formalised use' I mean that African languages should be used not only in

out-of-class discussions or tutorials, but also as languages that are visibly present in the classroom (a learning environment that is usually seen as having more status and importance) and used by lecturers (who are seen as having more status than tutors).

3.4 Context

During the time of this study, no lectures, tutorials or formal assessments were conducted in an official African language of South Africa. In addition, the academic staff (lecturers, tutors and academic literacy support facilitators) did not have a fair command of (South African) African languages. Tutorials conducted monolingually in Afrikaans ran parallel to those that ran monolingually in English. All the students who participated in this study, including a few who understood Afrikaans, opted for English tutorials. With respect to Private Law 1, the 11 students who formed the case in this study were subjected to receiving lectures where code switching and co-langaging in Afrikaans and English took place. Moreover, the research participants constituted a small minority in the Private Law 1 classroom, which must have had an impact on their perceptions and attitudes towards the possible role their home languages may be able to play in this context. Therefore, this article essentially asks whether the research participants exhibited a mindset whereby they could, argue that their languages may be useful in a *formal* manner in this particular classroom context. In terms of the context, even though the language policy was revised and the latest version, which embraces multilingualism, came into effect in January 2017, nothing much has changed regarding the dominant languages of formal teaching and learning since 2010/11 when I collected my raw data. Even though the new policy stipulates that there should be an interpreting service in Afrikaans if the lecturer is addressing the class in English, and the other way round (for first-year students), the tutorials are still offered in the same way, in Afrikaans and English, with the African-language-speaking students still in a minority in terms of enrolment numbers.

3.5 Literature grounding

McKenna (2010:8) stated that even though language is not the sole factor for the advancement of academic literacy which is vital to academic knowledge construction, it is an essential criterion for success in higher education, especially with first-time university entering students. Other crucial factors that McKenna (2010:8) viewed as playing a role in students' success were the intellect, determination, the literacy practices a student has

mastered from school and home environments, and the level to which these aspects tie up with the literacy practices of the student's special discipline. Students' critical consciousness about their own choices to embrace or reject the intellectualisation of African languages would be linked to the value, resourcefulness, and the "appreciating and foregrounding [of] the cultural and linguistic capital they bring into the university culture" (Tang, 2012:10), even when they constitute a small minority. The following sub-sections explore and discuss the notion of the intellectualisation of African languages, the literacy concept, and critical literacy for advanced academic literacy in higher education, and education for law with a few examples of law-specific academic literacies. Although the development of academic literacy in law is not language specific, it is linked intricately to the goal of enhancing the understanding of concepts. As Madiba (2010:234) pointed out, the link between language and conceptualisation is crucial for improving understanding of the conceptual difficulties experienced by English additional language students "in learning scientific concepts through a language which is not their first language". It is therefore important to investigate the research participants' insights into the possible advantages offered by the formal use of their African home languages in situations where English is used as an official language of teaching and learning with a view to optimising concept learning (Madiba, 2010:225) of the Private Law 1 module.

3.5.1 Intellectualisation of African languages in South Africa

Finlayson and Madiba (2002:40) referred to the term 'intellectualisation' as a planned process of accelerating the growth and development of marginalised languages to augment their operational propensity with modern developments, theories and concepts. Reports and discussions on the debates around the intellectualisation of African languages in South African higher education are accessible from Kaschula (2013); the Council on Higher Education (2001); Language Plan Task Group (LANGTAG, 1996); and Pan South African Language Board (PanSALB, 2017) documents; by Prah (2007) and Alexander (2005, 2013). Contributions have also been made by scholars in the language-in-education field and numerous language rights activists from different institutions in South Africa, Prof Christo van der Rhee, Cornelius Lourens and Prof Njabulo Ndebele (PanSALB, 2017), and other sources. Nudelman (2015: 93, 98) asserted that language policies and their implementation in universities located in South Africa should not limit the inclusion of African languages to communicative skills as if African languages "do not carry intellectual gravitas", but rather

extend their use to academic activities that facilitate epistemological novelty (what I refer to as the *formal* use of these languages). Bamgbose (2011:1) raised thought-provoking reasons as to “why African languages have low status and restricted roles”. Bamgbose (2011:1–6) mentioned and discussed the factors influencing the limited roles of African languages, namely the lingering oppressive colonial legacy, negative perception of multilingualism, low language development status, lack of national integration, issues around modernisation and economic development globalisation, negative language attitudes, and defective language planning, which are usually linked with lack of political will. On reflection, Mngomezulu and Mhlambi (2017) articulated that expanding the terrain of the intellectualisation of African languages in South Africa should be regarded as one of the themes of decolonisation so that the functioning of these languages should, among other things, go beyond the narrow scope of orature. In addition to these authors’ reflective discussions, in my view, the productive intellectualisation of African languages ought to engage commitment to implementation that draws on the participants’ mindsets for a sustainable realisation of this transformative purpose.

3.5.2 Critical literacy

In my view, critical literacy is a far-reaching literacy that is strengthened by a representation by an assortment of images and language use discourses that can empower or stereotypically disempower people. These critical language skills shape understanding of the nuances of power relations and identity which include subsequent conscientisation about options for change. Inserting this view of literacy into discussions about academic literacy development is necessary for the transformation of higher education in South Africa. The change for the social constructions needs critical skills such as extracting underlying meanings or information that are implicitly embedded in a text and reflexive application of knowledge gained.

Giroux (1987:10)’s theoretical perspective on critical literacy expects teaching to take place in a critical and transformative way by adopting a paradigm that recognises knowledge as not simply produced in the heads of professional teachers or curriculum specialists but as a relational act. This relational act is in sensitivity and acknowledgement of the types of knowledge and meaning that both the teachers and students bring to the academic ecology.

Giroux (1987:16) thus observed that critical literacy is “a precondition for engaging in radical pedagogical work and social action”.

3.5.3 What type of academic literacies should undergraduate law students develop?

Leibowitz (2009) perceived academic literacy as a crucial university graduate attribute that needs to be developed from first-year level through effective activity design, as it is also one of the crucial predictors of academic success. There are different understandings of what academic literacy for higher education may incorporate. The “distinctiveness of legal English” (Haigh, 2012:13) and law-specific academic literacy necessitate the education for law curriculum delivery to support undergraduate students towards attaining language-related competencies that are crucial for empowering them during legal training in preparation for the world of legal service. Bangeni and Greenbaum (2013:81) advise that undergraduate law students should be exposed to, and assisted to master, textual features that are central to legal discourse with which they are likely to be confronted in legal practice by, for example, providing “samples of legal writing and critical reading genre models of varying quality on which students could comment. In this regard, Gottlieb and Greenbaum (2018:51) suggest examples that academic staff can use for modelling these genres, such as a case summary, journal-article case note, memorandum of opinion, and a research memo. According to these law curriculum and legal education scholars, it is important that scaffolding of the assignments be done in a way that spells out the underlying legal methods and literacy skills required for each genre-related task, such as critical thinking, analysis of texts, synthesis, application, argument and evaluation. This can be done in consideration not only of the specific outcomes of respective law modules, but also to conform to the unit standards of the LLB (Bachelor of Laws) as defined by the South African Qualifications Authority (SAQA, 2015). Furthermore, the generic and critical cross-field outcomes relevant to the LLB qualification, as well as the stipulations of the Council on Higher Education (CHE, 2015:8–9) for required communication skills and literacy competencies for law students, should be studied. SAQA (2015:1) expects LLB graduates to have generic skills including problem solving, practical application of legal principles; numeracy, written and spoken communication, computer literacy and “competence in applying knowledge through basic research methods and practice”. Draft standards for LLB by CHE (2015: 3) note that:

the commercial world in South Africa is dominated by English and a student wishing to embark on a career in the business and commercial world especially in the urban areas of the country would have to be proficient in English. In the more rural parts of the country, law is practised in Zulu, Xhosa, Afrikaans and the other indigenous languages. International trade takes place in a number of foreign languages.

This suggests that CHE (2015:13) considers it important to conscientise the stakeholders in legal training about the critical role that can be played by the use of diverse local languages (multilingualism) by students and even legal trainers. This means that multilingual proficiency that includes African languages is a vital graduate attribute for law students in South Africa. The resourcefulness of bi- and multilingual strategies would facilitate law-related, skilful use of African languages in both micro (classroom) and macro (broader higher education) spheres. According to the RSA's Department of Higher Education and Training, (2018:2) the application of multilingual pedagogies would "ensure the right of students to realise their potential to participate in and contribute to the social, cultural and intellectual existence of the community of South Africa,"

3.6 The radical theory of education based on critical pedagogy

In the South African higher education context, where a critical engagement with our colonial past and Apartheid history should form part of critical literacy in the discipline of law, a critical pedagogy needs to be considered to formalise the use of African languages in law classrooms. The key features of the radical theory of education for critical pedagogy (Freire, 1972, 1998; McLaren, 1994; Nouri & Sajjadi, 2014:76; Thompson, 2000:1) that play a role in this study are the link between education and societal constructions and current realities; the manifestation of a humanising pedagogy; student-centredness; and emancipatory learning or social emancipation in education. These features of critical pedagogy are elaborated upon next.

Critical pedagogy as an element of the radical theory of education seeks "to save the students from being objects of education to subjects of their own autonomy and emancipation" (Aliakbari & Faraji, 2011:77). With critical pedagogy, emancipatory education as an enabling transformative practice can assist in identifying cultural elements that have a potential to stimulate or support learning; thus placing importance on seeing value in own cultural assets

in the form of “cultural heritage, practices, knowledge, and languages” (Aliakbari & Faraji, 2011: 80). Adult learners (university students, in this case) need to observe or read about the educational social space. For social emancipation in education to happen, students need to identify an area or theme of unfairness or a problematic matter, and then act to achieve constructive change. The students need to ‘programme’ their minds to take a liberating position through critical reflection on positive change to attain transformative learning as useful knowledge (Freire, 1998:1; Thompson, 2000:1) that condemns the dehumanisation of the teaching and learning praxis. It is crucial that the students also identify the tools that are needed to facilitate the intended vital change. They thus have a responsibility to commit to dialogical methods that lead to the re-writing of their own academic situation through embarking on radical moves of being active participants rather than passive spectators (Dewey, 2001:107, 130, 152) in the transformation activities that affect their own lives in academia. These radical steps should have an empowering effect that is liberating in nature, hence an emphasis on ongoing emancipatory learning, critical literacy and language use as essential elements of critical pedagogy. The degree to which the research participants exhibited the mindsets that would identify the intellectualisation of African languages as a tool to achieve the empowerment envisaged by a critical pedagogy is the topic of the investigation described below.

3.7 Methods and procedures

This section reports on the selection of the research participants and their linguistic repertoires, as well as ethical considerations in the research design, data collection and data analysis methods pursued.

The interpretive research approach that guided this study was realised by the choice of a case study design which is both qualitative and descriptive in nature. The research process aimed to collect data that would provide deep and thick descriptions (Tellis, 1997:46) of students’ mindsets about the possible use of their African home languages in academic activities in a multilingual university as the real setting (Cohen, Manion & Morrison, 2007:253). To be eligible for this project, research participants had to meet three criteria, namely (1) being registered for Private Law 1; (2) having an indigenous African language that has an official status in South Africa as a home language (mother tongue); and (3) and having successfully completed Grade 12 in a South African school.

This minority of 11 students were the only ones who were home users of (South African) African languages in a big Private Law 1 class of 373 students, meaning that there was no bigger population because the rest of the students in the Private Law 1 class did not meet all the requirements for participation. The home languages of the participants were isiXhosa, isiZulu, Setswana and xiTsonga. All the students could use isiZulu, but in different degrees of proficiency. Apart from the common proficiency in isiZulu regardless of the province from which students originated, it was notable in the completed questionnaires that the students were mostly conversant in ‘additional indigenous African languages of South African’ other than their own individual home languages. Only one student studied her African home language as a first language. Some studied their home languages as ‘additional languages’; and others did not study their home languages in the Further Education and Training (FET) qualifications band in certain schools where either English or Afrikaans was offered as a first language. One student mentioned that her home language was not offered as a subject choice in her school. For verification purposes, I recently (in 2018) checked language choices at this particular school which is located in the southern region of the Western Cape and I found no indication of a choice to study any South African language other than English and Afrikaans.

Data collection took place after I followed the necessary ethics procedures which included obtaining institutional consent to conduct this study. Data gathering was triangulated by using a variety of tools, namely individual oral and group interviews, which took place in the second academic semester of 2010 and in 2011 as follow-up sessions. In addition, questionnaires (see Addendum J) were distributed in the fourth academic term after I had observed a number of lecture and tutorial sessions to validate the language use in these academic zones. It was also important that I first develop a rapport with the students to enable them to understand my study as a hope and citizenship contribution towards good transformation in terms of potentially benefiting future African-language-speaking Private Law 1 students. Based on this interaction, I could eliminate irrelevant items from the questionnaire.

However, the group discussions, questionnaire and classroom observations were not focused solely on the intellectualisation of African languages, but on other issues too. Such issues included how the students interacted in lectures and tutorials, how they were selected to be part of the academic literacy support programme, and what their perceived academic literacy

challenges were in the Private Law 1 module. Special interests were the students' take on the implementation of the language policy in dual-medium and parallel-medium options, and influences on their academic performance levels. In the transcription of the interviews and discussions and in the analysis of the questionnaire, I picked up a link between the thematic aspects of value, willingness and viability which were purposely included in the formulation of research questions and the data. Other themes emerged during the course of data analysis. These three key themes in the research questions were drawn from my literature study, theoretical/conceptual framework with the influences of scholarly work on academic language and literacy acquisition/development, intellectualisation of African languages in South Africa, the importance of students' mindsets with respect to language policy implementation, and the radical theory of education for critical pedagogy. The literature/theory-informed and purposeful formulation of the three questions assisted in doing a close analysis of all the data sets to get a broader picture of these three aspects. The following research questions were answered in a stepwise fashion:

- 3.7.1 How do Private Law 1 students who use African languages at home perceive the *value* of African languages in understanding Private Law 1 discourse?
- 3.7.2 To what extent are Private Law 1 African-language-speaking students *willing* to use their African home languages in academic activities?
- 3.7.3 What are students' mindsets around the potential *viability* of making the inclusion of their African home languages official in the Private Law 1 module?

3.8 Results

Data presented in this section are from structured questionnaires (Addendum J), individual interviews and focus-group reflective discussions. Each sub-section presents a direct response to the three research questions listed above, based on *value*, *willingness* and *viability*.

Positive, negative and mixed responses to making African languages official languages of cognition are portrayed below. Direct students' quotations are presented without correction of language, spelling, punctuation or grammar.

3.8.1 Value-related expressions by home users of African languages

3.8.1.1 Positive insights

Data gleaned from all the instruments used for data gathering show how students hold intrinsic cultural value for their African home languages. Almost all the students declared that the positive perception of their African home languages had been inculcated by their parents or broader families. In this regard, two student participants, Mbali and Otsogile explicated this kind of worth:

In my particular home and family, the feeling is that English opens doors to better education and thus life but all my family members take intense pride in their Xhosa roots and traditions thus I have always been challenged to keep my Xhosa speaking skills on the same par with my English speaking skills.

I dont regard it as useless/valueless. I believe my language (Setswana) defines me as a black South African. To me personally it holds a lot of meaning, it's a common ground medium of communication between myself and others who belong to the tswana culture.

Horisana, a student participant who had mixed views about the value of African languages in academia, attached value to translanguaging activities through the employment of African home languages and English. She made a mention of African mother tongue roles such as discussing key details of the lecture as students walked out of the lecture hall. She also mentioned that their African languages played a positive role in study groups, for making sense of course material and assignments, as well as in preparation for tests. She added that students mostly translanguaged into isiZulu as a *lingua franca* and also used codes and varieties adopted from their African home languages. In response to a question about training in translanguaging for information processing and sense-making, one student said he had successfully practised information processing through translanguaging in high school and that no one had trained him. Quite notably, most of the participants supported the view that information processing using more than one language (translanguaging) is something that is not taught.

Another optimistic view, this time by Tholakele, about the value of intellectualisation of African languages beyond graduation was as follows:

The upside is that it would be useful in communicating with a diverse group of individuals that speak different languages. It opens doors to effective communication in their profession.

However, most of the student participants did not reason like this student participant.

3.8.1.2 Negative way of thinking

An example of a pessimistic way of thinking about the value assigned to the intellectualisation of African languages was:

We unfortunately living in a global world in which other languages are given preferences over others. There is a possibility that it might stunt a person's opportunities, since when a person looks for employment, you are forced to conduct the interview in English. Unfortunately there has been incidents where the manner in which you pronounce your words in English, or the way your accent sounds makes a huge difference.

All the students were adamant about English remaining an official academic language without necessarily ignoring their African home languages. In terms of students' views on matters of viability, there seemed to be a downgrading regarding insights on the usefulness of the indigenous African languages of South Africa after graduation despite the positive views presented above in this sub-section. In a focus group reflective session, students indicated that even though the unofficial translanguaging between English and their respective African languages (and culture) was useful in terms of the employment of *relating and information processing skills*, their translanguaging practices into their mother tongue were still insufficient. They said the drawing from African mother tongue languages did not help much with the required level of *structuring legal writing* and acquiring sufficient skills of *how to think* to meet the challenges of the Private Law module, especially Family Law that they all declared was more challenging than the Law of Persons, which was offered in the first semester.

3.8.2 Willingness to use African languages as official languages of cognition

The echo by Anathi during one-on-one interviews: "*We do not always think in English!*" suggests willingness to support learning in English with the use of own African home languages.

The students acknowledged and appreciated the roles that African languages played during the course of the academic year. One of the roles had to do with supporting learnable

moments in lectures. The Private Law 1 African-language-speaking students indicated that, in lectures, they would sit next to each other and whisper in each other's ears for a quick clarification of an aspect that was confusing or unclear, and such communal engagement would take about two minutes (Kese & Van der Walt, 2015). In these scholars' report, these students also mentioned that they would sometimes ask their Afrikaans-speaking peers to give clarity in English if a point was missed owing to random imbalanced code switching or co-langaging between Afrikaans and English. The focus group reflections reveal that the students, regardless of whether they had studied their African mother tongues as first or additional languages or not, drew from their home languages in unofficial self-directed study groups outside the classroom:

We started off communicating in English but we ended up speaking in our own languages, ha-ha-haah [followed by group laughter]!

In focus group discussions, students reported that they once spoke in their respective African languages in dialogical group activities in tutorials, but other participants in the tutorial group seemed surprised at the unfamiliar translanguaging practice into African languages. The students, especially those who had to repeat the Private Law 1 module in 2011, identified the academic zones where they would like African languages to be officially operational. There was thus a general feeling that even though the use of their languages outside the classroom was helpful, they still struggled with critical academic literacy that related to private law. According to the students, opportunities for them to use their home languages would make them "stand a better chance of improving academic performance", which I call 'academic advantage'.

Two Private Law 1 students who studied isiXhosa as a second additional language in Grade 12 made the following statements of expression:

I have never done like home language English, English, English at my school! I think the University should introduce Basic English to first year law students as there is Basic Xhosa and Basic French. I need support with English and I appreciate my language and will be pleased if we or I used it more. Recognition should definitely be given to our mother tongue. I think they can be intellectualised in academics.

Academic Xhosa is very difficult.

While the student participants welcomed the idea of official operation of African languages in academia, insufficiency of academic isiXhosa skills and practices was a concern for the Zama.

3.8.3 Viability at micro level

Some students gave an indication of how the practical implementation of the official use of African languages for academic purposes in the Private Law 1 module should go about. They predicted possible challenges while others mentioned that they could not imagine a roadmap to implementation of the intellectualisation of African languages. One academic space that most students thought could have room for intellectualisation more easily was the tutorial environment. There were also indications of pessimistic views after graduation about practical uses of African languages in the profession.

Completed questionnaires present the following examples of divergent views and tones of pessimism around the viability of African languages both in academia and after graduation:

It would be an expense to the universities.

The law profession is in English!

Subsequently we would have to change the implementation in the law firms or other practicing professions of law.

It is necessary but putting it into practice will be difficult. Students should be given access to the skills [English skills] because we have the capacity it's the access that is a problem.

The inclusion of African languages in both formal and informal academic activities could probably work well if compliance is there from the students' side.

These quotes from the students about viability imply elements of negativity in term of the potential success of the implementation of the use of African languages in the Private Law 1 programme and in the law sphere in general and after graduation – that is, in professional practice.

3.9 Discussion

The analysis and discussion of data are divided into three sub-sections, which elaborate on the themes of value, willingness and viability.

3.9.1 Confidence in own vernacular

The participants' mindsets indicated appreciation (to a degree) of the Private Law 1 users of African languages of South Africa. In this regard, these participants mentioned that the *unofficial communal human and cognitive support* they earned by means of using their African languages inside (secretly) and outside (self-directed) the classroom. Data also suggest that the sense of importance assigned by the students to their African home languages is, among other factors, influenced by their parents or families through inculcating self-assuredness and pride rooted in their home languages as valuable cultural heritage.

It is clear that even when they had negative views on the value of African languages, the students used more than one language, in self-organised activities while they unanimously expressed no support for a situation where they would have to learn in African languages only. It seems that their concern about using African languages in education is not about the value of these languages as such, but about their lack of confidence in the level of academic skills and practices that they had available in those languages. At schools where African languages are not offered at home language level, particularly former Model C schools, speakers of these languages are often forced to follow a curriculum that has extremely low expectations of home language speakers. These curricula do not offer enough preparation for the challenges of academic literacy at higher education level.

However, participants still acknowledged the positive role played by their African home languages inside the lectures (secretly/whispering) and also in outside-the-classroom (self-directed) dialogical sessions in terms of relating to sociocultural knowledge. The participants also expressed appreciation for the employment of information-processing skills through translanguaging in their African home languages (codes and linguistic varieties) and English, and for the interperson relational support received as a minority group. The challenge here for the student participants would be to educate their fellow students so that they demonstrated

tolerance for the translanguaging practices of students who did not use English or Afrikaans as home languages.

Participants identified the in-house academic literacy intervention programme and tutorials as academic zones where opportunities could be created for them to use their African home languages. In this regard, the students were confident about what they wanted. For instance, the participants who had to repeat the Private Law 1 module in 2011 indicated that they would like the academic literacy programme to deal with exclusive Private Law 1-related academic literacy rather than dwelling only on across-discipline generic academic literacy such as note-taking. They also wished that the programme could start earlier than 20 August. The high-status environment of the classroom did not feature among their suggestions, which hints at the dominance and power of English and Afrikaans. In Section 3.6, I referred to Freire (1998) and Thompson (2000) who pointed out the necessity of students ‘programming’ their minds through critical reflection that would condemn the dehumanisation of the teaching and learning praxis. If the students were to question the fact that their lecturers could use only Afrikaans and English in their classes, they might exhibit a more radical orientation towards the transformation and decolonisation project in higher education.

3.9.2 Contrasting insights between willingness and viability: a deferred hope

In pessimistic terms, the mention of high costs by a student for the university to implement the intellectualisation of African languages suggested an overweighting of the financial value attached to implementation costs against the intellectualisation of African languages for cognitive advantage. Another pointer to pessimism was that most of the participants in this study did not link their future professional identity with the role of African languages. Having law students in South Africa who expressed ignorance about how African languages actually feature in the daily work of lawyers and advocates, not to mention how African languages could support their legal profession after graduation was an important finding relating to the understanding of the proclamations of CHE (2015:6–8) about law graduate attributes. The mindset of missing the value of African languages in the world of legal profession is evident in the direct words used in the questionnaires completed by the students, namely ‘corporate’ or ‘business world’ when referring to the ‘world of legal service’. This way of ‘reading the world’ (Freire & Macedo, 1987) of the legal profession suggests a lack of critical consciousness about the generic outcomes and LLB unit standards of LLB (SAQA, 2015, par

9). According to the CHE (2015:13), “language is the most important tool of a lawyer” and appreciation and valuing linguistic diversity is a demonstration of responsible citizenship (SAQA, 2015, par 9). The CHE (2015:6) states that “in the more rural parts of the country, law is practised in Zulu, Xhosa, Afrikaans and the other indigenous languages” of South Africa. This implies that the law students’ proficiency in African languages in South Africa can be an asset after academic graduation and will feature as a valuable contribution to communities with clients who have a good command in African languages only.

Overall, it seems that even though the students indicated a sense cultural and academic value as well as a willingness to use African languages if opportunities were officially created for them to do so, there is a deferred hope for the actualisation of implementation success. Even though there was some indication of positivity in a few student participants, for most of them, there was inadequate conscientisation about the value of the indigenous African languages of South Africa in professional practice. Hence, the mindset: “*The law profession is in English!*” needs to be addressed in the law curriculum right at first-year level of study. Reasonable awareness of the significance other official languages of South Africa other than English is a graduate attribute phenomenon that can be blended into the law curriculum to support the notion of ‘multilingualism’ in the law profession in a South African context.

3.10 Conclusion

The aim of this case study was to acquire qualitative descriptions of students’ mindsets about the intellectualisation of African languages across a variety of data sets. The setting was a Private Law 1 module at a multilingual university in South Africa. Results of this case study thus represent participants’ claims about their own language-use experiences and knowledge construction dynamics in this module. Although these findings are not generalisable and do not represent the views of all African-language-speaking students in law, they do present the agency of a small minority of participants. Their descriptions of using their languages to understand and make sense of academic content show that they have the ability to use these languages, despite their feelings of inadequacy regarding the academic use of African languages.

However, the power of the status quo is clear as is demonstrated by the fact that the students do not even once mention the possibility of the use of African languages by lecturers in the classroom. Although it is clear to them that their lecturers are not proficient in African languages, the students could have pointed to the provision of multilingual glossaries, for example.

The space and time to use their own languages during the lecture to explain to their friends, for example, could be managed explicitly by the lecturer, but the participants did not mention this. The weight of their context was also clear from the fact that they noticed other students' surprise when they used their own languages in the English tutorial. It is not clear whether they continued to translanguage, but it is clear that translanguageing between English and Afrikaans was more prevalent and therefore more acceptable in this context.

I believe that the conclusions presented here have the potential to provoke thoughts around the notions of pedagogical reform and implementation of newly introduced language policies where small minorities can be made more visible. At the research site, Afrikaans-English multilingualism is the norm, but students and lecturers need to be made aware of other kinds of multilingualism. There are language minorities at South African campuses and their language needs are as important as those of the majority, particularly where official African languages are involved. In addition, these students' insights can contribute towards a revision of Private Law 1, specifically regarding curricular delivery.

Despite the negative tones about the role of their African home languages after graduation, African-language-speaking students expressed an intrinsic drive of hope towards the official intellectualisation of African languages in law. As a result, they identified tutorials, the academic literacy support programme and collaborative tasks performed outside the classroom and report back in class in an arranged plenary *lingua franca* as academic environments where affordances exist for the official use of African languages. While the students can be commended for taking the radical step of not being spectators but actors who used their African languages, this is limited to the “explorative” (Setati, Adler, Reed & Bapoo, 2000) use of these languages, which they themselves identified as insufficient for academic purposes. Proficiency in an African language alone is not adequate without the language use competencies required for successful epistemological access in the Private Law 1 module. The mindset of viewing the legal profession as a ‘corporate’ or ‘business’ world and the perception that law firms practise in English imply a need to augment critical

consciousness-raising about the potential practical value of their African home languages in the world of legal service for public good. Such an awareness is important not only for speakers of African languages, but also for Afrikaans- and English-speaking students who may confidently expect law offices where only English is used, only to find a very different reality once they graduate. At programme level these views can be challenged through the intensification of the integration of multilingual awareness for legal situations in South Africa, which can go across modules that are directly linked with foundational understanding of Private Law 1, namely the Introduction to Law module or even Customary Law. While the institution is dealing with its transformation agenda, the law faculty could make use of guest lecturers who use African languages in the high-status classroom environment.

With a view to moving ahead in the profession, African-language-speaking students themselves could have intensified self-efficacy by taking pride in their own indigenous African languages of South Africa as potential resources beyond graduation. They could visit law offices where they would see lawyers using African languages profitably in legal activities, where they see clients who depend solely on these languages for communicative purposes, and where they have to present culturally informed translations (Ralarala, 2017) and interpretations of their statements. In essence, a multilingualism-embedding curriculum can be a platform for advancing communal or co-construction of knowledge across the boundaries of language towards shaping graduates that satisfy the need for rendering a service with integrity to the South African community. This could also mean that an expansion of the territories of operation of African languages in universities located in South Africa is necessary.

The glory of translinguaging in the African mother tongue remains a fantasy when it does not lead to cognitive advantage or transfer of language skills and practices that are essential for the specific academic discipline. In such a case, innovative forms of facilitating advancement of academic literacy for law would be necessary, while still recognising students' translinguaging practices for relational and explorative purposes as of worth. English plus other languages could be a means to deal with the complexity of epistemic access in multilingual higher education ecologies (Van der Walt, 2013:63, back cover page). However, in my way of thinking, which is stimulated by the warning of Wa Thiong'o (2017): "Use English but don't let English use you.", successful intellectualisation of African languages would be more emancipatory and radically transformational the day the notion of 'English

plus African languages’ can be turned around as ‘African languages plus other languages’. This thought is for the empowerment of those students who place value on, and are willing to be co-participants in, the development of African languages for academic purposes.

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CHAPTER 4

4. Affordances for additive use of African languages alongside English:

Optimising learnable moments in a law tutorial ecology

Yet, it is a mistake to ignore minority languages as doing so means exclusion and denial of the rights of speakers to use them in crucial domains such as education in general and literacy in particular.

– Bamgbose (2011: 3)

4.1 Abstract

This article reports on the reasoning of students, tutors and lecturers for and against the creation of opportunities for additive functioning of indigenous official African languages of South Africa alongside English in predominantly English-medium (only) tutorials for Private Law 1, running parallel to Afrikaans-medium tutorials in a multilingual university setting. I used integrated methods to obtain qualitative descriptions of students' experiences of language use in tutorials, as well as of related challenges and successes. To compile ecology-based affordances for the possible use of a joint English and African languages pedagogical strategy in Private Law 1 tutorials, data were gathered from formally structured questionnaires completed by the students, and individual interviews and focus group discussions with students registered for a compulsory Private Law 1 module. Additional data were collected from informal interviews and conversations with Private Law 1 English-medium tutors and lecturers. Data were also drawn from the researcher's field notes as a non-participating observer in tutorials. The notion of student-centredness influenced conclusions of this study in adaptation of the ecology theory under the umbrella of humanising pedagogies, which advocate for a humanising additive approach to the use of African languages alongside English.

4.2 Introduction

The former South African minister for Higher Education and Training, Nzimande (2009), declared that ignoring the call for alternative administrative and pedagogic practices that support learning through the acknowledgement of different ways of learning would result in

wastage of human potential. He further urged universities to do something about it and help students adjust to the creation of alternative opportunities to epistemological access. In the light of Nzimande's call for student academic support, this study recognises the multilingual nature of a tutorial as a platform where learning can take place more interactively through the creation of supportive opportunities for harnessing the learning potential, rather than wasting it. I find it problematic that students feel the need to be secretive about using their African home languages in these tutorials, with no official, organised pedagogic principle to encourage the use of home languages. Entitlement is given to a few languages, while others remain minoritised in a tutorial, which is an occasion where creative learning should take place in ways that optimise useful knowledge creation. I argue for the possibility of polylingual use of African-language-speaking students' home languages to complement English in tutorial ecologies. With increasing numbers of home users of the diverse official indigenous African languages of South Africa attending tutorials in the university associated with this study, tutors should avoid paying all their attention to one specific African language that is commonly used there. In this regard, Ngcobo, Ndaba, Nyangiwe, Mpungose and Jamal (2016:15) cautions that multilingual pedagogies that include student minorities from diverse African language backgrounds would need to be employed in such a way that no individual or small group would feel disregarded or dehumanised. At the same time, the perpetuation of language tribalism should be avoided.

Webb (2005) declared that using *languages other than English* should be a serious consideration in South Africa. This provides support for my argument which is entrenched in ecology theory. I also argue that there are affordances to facilitate the learning of Private Law 1-specific discourse by African language-using students in multilingual tutorials. The success of this facilitation can be realised through recognising that African local linguistic varieties and features carry an investable currency that can yield literacy in the context of law discourse and the related 'distinctiveness of legal English' (Haigh, 2012:13) by multilingual Private Law 1 students through polylinguaging as a multilingual pedagogical practice.

4.3 Context, demarcation and clarification

This qualitative study was conducted at a predominantly Afrikaans-oriented university's Department of Private Law with 11 Private Law 1 students as key participants. However, Xhosa-speaking students formed the majority of the student participants in my research. The

home languages of the other participants were isiZulu, Setswana and Xitsonga. The pseudonyms of the participants reflected their home languages and were: Anathi, Horisani, Karabo, Khaya, Mbali, Neo, Otsogile, Siyanda, Thatego, Tholakele and Zama. The participants were generally multilingual, as they, apart from their African home languages, were proficient in a number of other African languages of South Africa too.

In the context of this study, language is an apparatus that has the potential of bringing that which was not known into the knowledge economy by or for a specific individual or community of knowledge creators or recipients. To me, it is an instrument of orientation to the own immediate environment that is connected to facets of one's culture; hence nutrition and renewal to the mind. The use of language has an impact while fulfilling the communicative needs of the speaker, listener, writer, viewer or reader. These can be expressed verbally and non-verbally through signs, living codes with a message, gestures, symbols and diagrams.

At the site of this research project, tutorials were conducted in English and ran parallel to those that were conducted in Afrikaans. The choice of which tutorial to attend, depended on the individual students' language choice. Each group had the opportunity to attend a tutorial once a week. WebCT was the online platform that was used by the tutors to communicate with the students in 2010 and 2011 – which was the period during which the data for this study were collected. Private Law 1 tutorial classes attended by the participants in this study comprised students who had different home languages, with the majority being English home-language users. With the classroom as the research site, this study focused on the facilitation of academic law discourse among those students who were users of African languages at home. These were students who had made conscious decisions to choose English instead of Afrikaans as a language of learning and teaching (LoLT). However, this did not imply that all African-language-speaking students struggled with concept literacy and also did not stereotypically assume that English-home-language students did not need support with orientation to discipline-specific academic discourse at university level. In this context, this study attempted to answer the following main research question and sub-questions which were drawn from a larger study. Out of four English-medium tutorial groups, the participants in this study were spread out in four different tutorial groups led by different tutors. In each of the first two groups, there were three students; then four in the third group; and only one

student participant in the fourth tutorial group. The participants formed part of an English-option tutorial group with class size ranging between 12 and 24 students.

The reason for looking at tutorials specifically was to ascertain levels of interaction by the student participants when compared to bilingual lectures. I was also driven by the thought that tutorials could provide a better opportunity to talk. Furthermore, I wanted to observe which languages the participants used and how, since they neither talked in argumentative activities nor asked questions in lectures. I moreover wanted to determine affordances for the use of students' African home languages owing to the fact that the language specifications for lectures and tutorials were different; that is, dual medium (simultaneous use of Afrikaans and English) in lectures and parallel medium (either English or Afrikaans) in tutorials.

4.4 Literature study

Even though much needs to be done regarding the extension of the spheres of operation of African languages to higher-order intellectual functions in education and nationally (Bamgbose, 2011:1, 7), there are numerous multilingual initiatives which deserve to be acknowledged in South Africa. These initiatives are prevalent in higher education institutions that have to some degree responded to this deliberation of using languages other than English or Afrikaans. In fact, Madiba (2012:16) claims:

No community can lay claim to any academic language as its mother tongue, it follows that any language in which high proficiency exists can be used to facilitate the development of academic language. In multilingual educational contexts, the development of academic language can be effectively facilitated through the use of more than one language.

Literature indicates that there are initiatives to promote the intellectualisation of (official South African) African languages in various disciplines and institutions in South Africa. What is lacking in scholarly work is documentation on both long-term and short-term evaluation in terms of positive impact or returns, or else unsuccessful areas that need improvement. To mention but a few examples of the initiatives in universities located in South Africa, the Department of Curriculum Studies at Stellenbosch University has embarked on a trilingual initiative called MobiLex, an acronym that stands for Mobile Lexicography.

Van der Merwe (2016:1) explains MobiLex (in this context) as a task-based initiative designed to fulfil dictionary functions for the development of isiXhosa as an academic language. At the University of Cape Town (UCT), Madiba (2012) notes that UCT had also created opportunities for multilingual learning so that students could use African languages for the attainment of concept literacy. There are thus various existing multilingual principles and strategies that can be adopted. The principle and multi-linguaging strategy relevant to this study, namely the complementarity principle and polylinguaging are discussed below.

4.4.1 The complementarity principle

Madiba (2012:22) regarded the complementarity principle of simultaneously using African languages along with English (or any other language) as a means of advancing academic language. According to Madiba (2012), tshiVenda and English have been used in this way to attain a deeper understanding of academic concepts presented in English. This is a teaching and learning practice that acknowledges the existence of more than one language in the ecology, i.e. the “linguistic eco-system” (Hornberger, 2002:16). This complementary language practice in education and in broader society encourages “linguistic ubuntu” or “an ubuntu of languages” – (Botman 2012:2) as a space where languages support each other and actually need each other to grow in their functional status while being instrumental in knowledge production. I would like to explain the concept of ‘Ubuntu’ is an African philosophy and practice that denotes that ‘persons need each other as people or as a community to prosper’, which is gleaned from ‘a spirit of humanness’ that is instilled with empathy and respect for others and embodies sharing and solidarity with others. Hence, the relationship between the notion of ‘linguistic ubuntu’ and polylingualism is reflected in the co-existence of languages, as well as in language users supporting and complementing one another in carrying out purposeful communicative functions – which I regard as a crucial element of the ecology of language.

4.4.2 Polylinguaging

In breaking down the word ‘polylinguaging’, we may understand the prefix ‘poly’ to mean ‘many’ and ‘linguaging’, as defined by Swain (2006:96), to be the practice of producing language for the advancement of mediating cognitively demanding activities to make meaning of complex social communication. Swain (2013:1) further explained that

‘linguaging’ emerged from Vygotsky’s sociocultural theory of the mind and was viewed as a process and act of using a language as a tool of the mind that mediates human thinking or cognition for shaping knowledge and experience to realise learning. Similarly, polylinguaging can be regarded as a combination of these two definitions (poly + linguaging).

Makoni and Trudell (2009:39) defined polylinguaging as a communicative practice that is carried out using pools of linguistic resources and elements in multilingual settings. Moller (2008:166, 218) viewed polylinguaging as a communicative practice that allows for the use of features rather than simply languages, with greater focus on human agency and context than on language structure, suggesting that speakers use features not language. Makoni, Makoni and Pennycook (2010:161) regarded the communicative practice as permitting for simultaneous employment of linguistic features drawn from multiple and interconnected linguistic resources or local languages to fulfil the goal of users in diverse linguistic situations. Users may select from a variety of linguistic features and employment modes. These include code meshing, code switching and code crossing or language crossing, which Bristowe (2013) and Moller (2008) recognised as multilingual competencies in their own right.

Rampton (1998:1–8) explained code crossing as “a verbal practice which recognises new plural ethnicities built in an acceptance of old ones where code alteration is key” that allows for the intentional use of co-users’ ethnic language in order to make themselves understood. While speakers might be using their own ethnic language, code crossing make it possible to explain a concept or be accepted by other users or groups of communicators at a particular time. This means that with language crossing, language is the central element of distributing knowledge where communal knowledge construction takes place among students of various ethnicities.

Guttr  rez, Bien, Seland and Pierce (2011) called for polylingual and polycultural learning ecologies to help learners adapt in new learning discourses. To add to Guttr  rez *et al.* (2011), the invisible boundaries between languages provide a possibility for code meshing. Therefore, the common feature of invisible ethnic boundaries in polylinguaging practices can be favourable for academic discussions through drawing on features of languages of the same language family with similar dialectical and cultural features by different ethnic groups. For

instance, the speakers of Nguni languages, such as isiNdebele, siSwati, isiXhosa and isiZulu, can engage in effective individual or collaborative sense-making activities in sense-making talks and writing by making use of bilingual knowledge maps, also known as BiK-Maps or multilingual meaning-making sketches (Gutriérrez *et al.* 2011). In pedagogical terms, polylinguaging responds to linguistic diversity. It can fulfil intentions of the students regarding the manipulation of academic discourse in multilingual and mixed ethnic academic settings where languages can be responsibly meshed, alternated or switched to complement each other rather than competing with each other. This alternation of codes is synonymous with the complementarity principle and the ubuntu-oriented language use approach. Having viewed recent literature on translanguaging in higher education in the book *Beyond Monolingual Ideologies* by Catherine M. Mazak and Kevin S. Carroll (2016), I deduced that ‘polylinguaging’ could be regarded as another translanguaging strategy. Mazak (2016:6) asserted that translanguaging encompasses any multilingual strategy that facilitates the invention and reinvention of languaging practices in a perpetual process of meaning-making as it primarily includes practices that draw on an individual’s linguistic and semiotic repertoires.

From the theoretical explanations given above, it can be deduced that possibilities for meaningful interaction by drawing on African languages in tutorials can be created in consideration of the study demands, students’ language challenges and experiences for accelerated transformative action. With this understanding, Banda (2011, 2009a, 2009b) proclaimed a need for multilingual models of education and language policies which are based on the linguistic repertoires of the users concerned and for the cross-linguistic configuration that accounts for border-crossing multilingual landscapes. South Africa is a multilingual panorama that crosses ethnic borders. Multilingualism and assorted cultures being the norm means that South Africans do not shy away from using each other’s varieties or features of regional languages for voice and agency. Banda (2009a:9) perceived ‘polylinguaging’ as a language-in-education approach that results in sociocultural pedagogical practice for the functioning of African languages in South Africa.

4.5 Academic setup and language ecology as factors of affordances: A theoretical perspective

Järvinen (2009) and Kuh, Douglas, Lund, & Ramin-Gyurnek, (1994) as cited hereunder advocated for the situatedness of learning, which makes the presence of the identities of participants acknowledged in the learning atmosphere. I chose the ecology theory because the manner into which the students in the tutorials related to one another and also to academic staff members, using their languages or language varieties or dialects as academically relevant cultural identities is important in this article. This study is also concerned with how the students relate or react sensitively to the activities and attitudes of the tutors because it is oriented towards the relationships between the properties of the environment and the members' perceptions about their abilities.

Järvinen (2009:164) observed that, according to the ecology theory, the context is the principal provider of 'affordances' (Gibson, 1986) that facilitate learning by means of tools such as language. In view of learning as a sociocultural act, Järvinen (2009:165) observed that it takes place in an ecologically determined micro context, for example the classroom, within a macro context, to which is the educational institution and the community in which it is located. While this is so, this study recognises that the learning activity is not restricted by the boundaries or walls of the classroom. In fact, the ethos of learning (Kuh *et al.*, 1994:1) confirms the existence of an artificial boundary between classroom learning and outside-the-classroom learning in higher education (the macro context). In addition, the context is the source of learning where interaction is defined by the negotiation of meaning, including referential questions that trigger critical thinking.

In the context of this study, students' ability to adapt is fundamental to learning to change circumstances through a strong connection between cultures, literacy and learning (Lee, 2012), language is viewed as a key cultural aspect that is a driving apparatus for learning progress. The ecological approach to learning a second language values not only the environment, but also the abilities of the learners and their learning needs (Van Lier, 2004:246–249). Furthermore, through the ecological approach, it is possible to define the students' perception about their potential to engage in a particular social activity to transform a situation for the better. This perception about the potential of the properties of the ecology includes academic staff as teaching leaders and the students as learning leaders. The students

should think about what they can offer in teaching and learning transactions. In this regard, it is essential that they exhibit self-awareness and self-perception regarding their verbal and nonverbal interactions for the facilitation of foreign terminology learning, that is ‘concept literacy’ (Madiba, 2013:391) or unfamiliar academic discourse. However, in an ecological approach, the student activity drives learning in the environment of teaching and learning. In an ecological pedagogical practice, language and learning are seen as relationships between students and their lecturers. This relationship takes place between learners and features of the ecology in a way that allows cognitive processes to connect to auditory and visual sources for meaning-making.

4.6 Material and methods

The research environment, data collection and analysis methods, as well as the questions that led to the findings of this article, are provided hereunder.

4.6.1 Strategy for selection of participants and ethical procedure

Students registered for a compulsory Private Law 1 module and their respective tutors and lecturers participated voluntarily in this study. *Informed Consent* forms were signed by all participants. The necessary ethical procedures were followed, which entailed the obtaining of institutional ethical clearance, and faculty and departmental consent. With my high interest in indigenous (South African) African languages, I initially aimed at focusing on isiXhosa, but only managed to recruit four students with the aid of the administrative registration roll. I was discouraged by the extremely low number of possible participants where some of the African-language-speaking students had indicated that English was their home language. At that initial stage, I had picked students with African names or home languages. When I met the students for the first time, I introduced myself to them as a lecturer in the Department of Curriculum Studies and familiarised them with my research.

I purposely selected the research participants by giving all African-language-mother-tongue students a brief questionnaire to find those participants suited to fulfilling the primary objective of this research, which is students who used any or some of the official African languages in South Africa. I also made students aware of their right to ask questions and withdraw from participation. After this exercise, the potential participants increased from

four to 11 and I discovered that the isiXhosa-speaking students were not four but five. The other student participants were home-language-speakers of isiZulu, Setwana and Xitsonga, while the majority of them were proficient in other local African languages such as Sesotho. Even though to different degrees, isiZulu was commonly understood by all of them. Further volunteer research participants were four tutors and two lecturers.

4.6.2 Data gathering instruments, analysis process, credibility and trustworthiness

To answer the research questions in Section 4.6.3, tutorials were the ecological point of focus in line with the context described in Section 4.3. I drew data from unstructured interviews with the tutors. I distributed questionnaires (see Addendum J) to elicit the views of tutors on the inclusion of African languages in tutorials about subject-specific law discourse challenges. My notes from individual interviews with Private Law 1 multilingual African-language-speaking students who chose to attend English-option tutorials, rather than those conducted in Afrikaans, also formed part of my data. I recorded and transcribed narrations as well as discussions during reflective sessions on the previous academic year's language-use patterns in tutorials. I probed participants' mindsets on the possible use of their African home languages in tutorials. Since my data were collected in 2010 and 2011, I checked the Private Law 1 study guides of 2017 to ascertain whether there were any new developments since I collected the data in 2010 and 2011 in order to confirm the relevance of this study after so many years. To derive affordances for the use of African languages along with English in tutorials, a comparison was made between the tutors' and the students' perceptions on the potential role of these languages.

Pseudonyms that reflect the student's home languages were used in lieu of their real names. Their study participant names were Anathi, Horisani, Karabo, Khaya, Mbali, Neo, Otsogile, Siyanda, Thatego, Tholakele and Zama. To analyse the data, I employed an integrated methodology (Plowright, 2011) for the enquiry, adopting both verbal and written modes of research. Denscombe (2014:4) stated that a case study was suitable to obtain context-specific data when conducting a guide to small-scale research. This design, coupled with interviews and observations, would provide 'thick descriptions' of the data (Cohen, Manion & Morrison, 2007:253; Tellis, 1997:46) that focused on multilingual learning strategies where the participants drew on their African home languages to improve legal content understanding in the Private Law 1 course. Audio tapes were transcribed and analysed by identifying themes

that appeared repeatedly in the responses of the student participants, tutors and lecturers (Miles & Huberman 1997). In this way the validity of my insights into student problems could be validated. This method was also used to crosscheck my interpretation of critical in-depth engagements (Codó, 2012:158) held with the students on one-on-one and plenary basis.

Regarding content verification, I also conducted member checking by means of electronic communication with a lecturer, the institution's Statistics Office and the Private Law Department's administrative staff to verify some of the content related to the scope of work, tasks, statistics on African-language-speaking students in 2010/11 compared to 2017/18 and current modes of language use in tutorials. I made efforts to contact student participants and the lecturer of the module that I observed in 2010 as a non-participant observer. I asked them specifically to review my interpretation of the participants' observations on tutorials and the content of the module, which they agreed to do voluntarily.

4.6.3 Research questions

The main research question was: *What possibilities are available for the employment of multilingual learning strategies in tutorials with regard to the development of academic literacy practices of Private Law 1 students who use African languages at home?*

The production of this article was led by the following four research sub-questions:

4.6.3.1 *What are students' academic challenges, module demands and related learning needs in Private Law 1 tutorials?*

4.6.4.2 *How can language-in-education experiences of Private Law 1 students in tutorial sessions be described?*

4.6.3.2 *What is the reasoning for and against the creation of opportunities for additive functioning of indigenous official African languages of South Africa alongside English in predominantly English-only-medium Private Law 1 tutorials with multilingual students?*

4.6.3.3 *How can tutorials afford African-language-speaking students opportunities to employ multilingual learning strategies to advance literacy in Private Law 1 discourse?*

4.7 Students' academic challenges, module demands and related learning needs that could be addressed in English-medium tutorials

Data from this section were gleaned from diverse sources: individual oral interviews, focus group discussions and questionnaires to ensure triangulation, which included member checking, that is going back to the participants to verify accuracy of the interpretation of my observations.

4.7.1 Students' academic challenges and insights by academic staff

In response to the questionnaire (see Addendum J) and interviews, a number of themes emerged that all relate to the challenges that students experience generally. The tutorial system is meant to address these challenges.

- *Law-specific academic literacy*

In the questionnaires, students as members of the learning context stated that their academic challenges included difficulties with understanding the legal language register as used in the prescribed textbooks and in lectures, and the register required when doing analyses of legal cases and the application thereof. The students added that their ability to have an explicit understanding of what was required together with how they were expected to answer in written tests and examinations were examples of their key academic literacy challenges. In completed questionnaires and individual interviews, all the student participants mentioned that they saw value in having sound academic literacy that was customised for their law studies. They admitted that high school did not adequately prepare them for academic literacy in first-year law modules and it was in this regard that they put their hope in tutorials as a platform for intervention alongside the academic literacy support programme. They thought that academic literacy support specifically for law could assist them to master the unique writing style of longer-length law genres. The following are some examples of what student participants said about academic literacy (see Section C.1 of Addendum J):

- [Challenging in terms of] *Essays and assignments.*
- *It had a huge impact on my marks.*
- *It influenced my performance fairly.*

In focus-group interviews, the student participants acknowledged the importance of terminology development, but asserted that they needed more than that in order to perform better. They also stressed their need to be guided on “how to think in law” subjects across the Private Law 1 module. Tutors’ observations of the students’ academic struggles were that the majority of students lacked an ability to analyse and make sense of academic task instructions as well as the application of legal principles in a relevant way.

The purpose of the tutorials was to focus on these kinds of problems, with a specific view to developing law-specific skills in smaller groups. Responding to the lecturer questionnaire (see Addendum I), one of the lecturers indicated that African-language-speaking students did not necessarily struggle more than Afrikaans- and English-home-language-speaking Private Law 1 students. Rather, it depended on the circumstances as some of them struggled and some did not.

- *A more personal relationship with lecturers*

Individual interviews with the research participants revealed that they found it difficult to cope with the more open-ended nature of university assignments and having no close relationship with the lecturers – contrary to close teacher-learner relationships to which they were accustomed when they were at school. These students believed that such relationships had a positive impact on their academic performance and they regretted that they had delayed the arrangement of consultations with their lecturers until it was very late. This observation was confirmed by a lecturer who responded to the lecturer questionnaire (see Addendum I). She pointed out that adapting more quickly to university modes and earning better marks had to do with the mindset of the respective students. Hence, the students who did not show an interest in coming to ask for help did not do well. The lecturer pointed out:

It really depended on the circumstances. Some of the students struggled and some did not. The ones that adapted quicker to the university as a result of their mindset had better marks, and the students who did not show an interest in coming to ask for help or assistance did not do well (of which some of the reasons were only communicated after the final exams – when it was too late, for example, problems at home or not understanding the work.

Again, for large classes the tutorial is meant to serve as a more personal space where tutors generally build closer relationships with the students in their individual tutorial groups. This could be the space where the problem of students' shyness and the lecturer's perception that the students are uninterested could be solved.

- *Study skills development*

Although I acknowledge that a study skills approach would not be sufficient to develop academic literacy for law students, some of the concerns mentioned by both participants and lecturers would typically be addressed by more general study skills. The participants were concerned about their ability to cope with work overload from other modules in the respective law modules. Some mentioned a need for help regarding the improvement of their confidence levels to participate in class discussions.

In the lecturer questionnaire (see Appendix I), one Private Law 1 lecturer noted that it was an essential responsibility of a student to prepare for upcoming classes in order to achieve academic success. She noted that, due to workload and challenges in balancing their academic obligations with social responsibilities, students often failed to prepare for classes. She also commented on students often being challenged with the application of the work in tests and examinations. Another lecturer mentioned that senior students academically outperformed first-time university-entering students in the Private Law 1 module. This could be seen as evidence of how students became accustomed to the pace and rhythm of academic work.

- *The role of African languages in tutorials*

One Private Law 1 lecturer thought that the administrators of the tutorials could introduce smaller groups using the same mother tongue, speculating that this could benefit home-language users of African languages significantly. This would allow mother-tongue-speakers to explain certain terms in their home languages. She thought that this would be a means or an opportunity for students to learn in a manner that they might relate to and, one would hope, see the bigger picture about the subject. This lecturer was optimistic that the initiative of including African languages in this regard would have a positive effect on addressing challenges related to the comprehension of Private Law 1 discourse, the challenge that African-language-speaking students identified. She noted:

Some concepts and terms of Private Law may be completely foreign to these students and to find an appropriate translation may sometimes be rather difficult.

About the inclusion of African languages in tutorials, one tutor thought that a student who did not have a good command of the English language was “not supposed to be at university”. However, his mindset did not necessarily represent that of the tutors collectively. Both senior students and first-time university-entering students offered their opinions on the use of African languages in tutorials. These are presented in Section 4.7.2 below.

4.7.2 Students’ opinions on the use of their African home languages in tutorials

Some responses were not strictly directed at the use of African languages in tutorials, but were directed at their more general use in the law profession. The responses below give an idea of how both senior and first-time university-entering Private Law 1 students who were users of African languages at home viewed the matter at hand.

Tholakele (a senior student):

Students can form study groups amongst their law peers/colleagues that share the same mother tongue. ... They will independently enquire in their areas of misunderstanding and further develop insight in not only their mother tongues, but in communication in English. ... It opens doors to effective communication in their profession. Considering that our country has 11 official languages.

Horisana (first-time university-entering student) admitted that student participants did not participate in plenary verbal arguments or oral discussions in lectures. She therefore thought that the use of African languages in tutorials would give the students confidence. In addition, since they were likely to ask questions in African languages or in English, it would be:

... better to ask in small tut groups.

Zama (first-time university-entering student):

Probably, if compliance is there from the students’ side.

Thatego (first-time university-entering student):

“I think it is important that the work should be understood by learners but when we apply to university were aware that its language policy so we should be careful to say it is the University. Let us look at the Minister of Higher Education to try and change the system.”

Siyanda (first-time university-entering student) drew a comparison between the potential elevation of confidence in tutorials as compared to the lack of confidence in lectures. He mentioned earlier that in high school he had not learnt the kind of English which he aspired to, which he called: ‘*English-English*’.

Otsogile (senior student):

Tutorials assist a lot in understanding material. Because the classes are smaller, its easier to ask questions.

Otsogile perceived tutorials as a platform to engage with the work, using English as an academic language and Setswana “as a common ground medium of communication” between herself and others who belong to the Tswana culture. She perceived tutorials as a platform for students to express themselves as law students in front of their peers and to develop a skill to write in legal jargon.

Even though Neo (senior student) was in favour of the use of African languages in tutorials alongside English, he indicated that it would not affect him much if only English was used as he had been acquainted with English since primary school level. He then suggested that if the use of African languages did not succeed, African languages of South Africa should be offered as subjects to improve the quality of literacy in African languages – training which they had lacked at school.

Karabo (first-time university-entering student):

I do not see how they can be utilized in varsity.

What both Siyanda and Otsogile agreed on was that the use of African languages in tutorials would be an opportunity for a flexible and meaningful use of both English and their African home languages to advance their understanding of complex law concepts. They said the initiative would disrupt the “repetition of what was said in one language” and the “too structured” shuttling between Afrikaans and English which Karabo referred to as “intimidating”.

4.7.3 Particular terminology-related problems

As pointed out in Section 4.7.1, the student participants generally struggled with the particular demands of law discourse and law assignments. In this category, however, I want to discuss particular terms that appeared as problematic in the context of lectures and tutorials.

When I observed both lectures and tutorials, I found that it was important to explain linguistic connotations that distinguish the two terms ‘void’ and ‘voidable’. As I interviewed the students individually, most of them, including the ones who attended English-medium schools, indicated how they struggled to understand English even though they were generally fluent in speaking the language. My observations were validated by students’ comments as well as a lecturer’s feedback in terms of crucial concepts with which students often grapple. Course demands included topics such as law of delict, breach of promise, contractual remedies, valid types of civil and customary marriages in South Africa; minors, parental rights over children, and consequences associated with changes in private human relationships which are affected by evolving societal challenges.

As part of member checking, the subject lecturer confirmed that it was important for the students not to confuse the terms: ‘void’ and a ‘voidable’ marriage since the consequences of each of these are different (as well as being different to those consequences which follow upon divorce. For instance, Study Unit 4 of the prescribed book is devoted to or specifically deals with terms and phrases, for example the distinction between ‘void’ and ‘voidable marriages’, as well as putative marriages. This chapter is found in Robinson, Human, Boshoff & Smith’s (2009) 4th edition of *Introduction to South African Family Law*. Further evidence is obtainable from the module study guide of 2010 and 2017, and from the 2010 prescribed textbook. Other crucial concepts among the most frequently used throughout the Family Law

section of Private Law 1 are ‘*animus iniuriandi*’ and ‘*iustus error*’. According to the lecturer, the use of these terms should be appropriately contextualised. A brief explanation of the importance of understanding the abovementioned concepts to deal with the scope of the content of the module follows.

An ability to distinguish explicit as well as underlying connotations in context regarding the linguistic or morphological structure of the legal English used in the terminology that was regarded as important for the comprehension of the Private Law 1 module. For instance, students had to be clear of the difference between a void marriage and a voidable marriage. They were also expected to set out and discuss the grounds which would result in a marriage being void or result in a marriage being voidable; to discuss the legal consequences of a marriage which has been annulled; to set out legal consequences of a void marriage and those of a voidable marriage. In addition, the understanding that a voidable marriage set out the grounds for the voidability of a marriage¹ was crucial.

Another linguistic demand that is aligned to the use of each of the abovementioned concepts is that the interpretation relies on the context or condition in which each concept is used. Of course, there could be an overlap of the very same terms that are used in the Private Law 1 module with those used in other law modules, such as the Introduction to Law and Customary Law. Taking the latter as an example, Private Law 1 – Family Law also covers some scope of customary marriages in terms of recognition, with reference to Act 120 of 1998 in relation to Section 4 of the Civil Union Act which is also part of the Customary Law module. For this reason, it should not be surprising to notice that some terminology and concepts that are frequently used in the vocabulary list of Private Law and other law modules are also important for the understanding of Private Law 1, which is a combination of the Law of Persons and Family Law at the university that was my research site. The following are

¹ Another linguistic demand that is aligned to the use of each of the abovementioned concepts is that the interpretation relies on the context or condition in which each concept is used. Of course, there could be an overlap of featuring of the very same terms that are used in the Private Law 1 module with those used in other law modules, namely, the Introduction to Law and Customary Law. Taking the latter as an example, Private Law 1 - Family Law also covers some scope of customary marriages in terms of recognition with reference to Act 120 of 1998 in relation to Section 4 of the Civil Union Act which is also part of the Customary Law module. For this reason, it should not be surprising to notice that some terminology and concepts that are frequently used in the vocabulary list of Private Law other law modules are also important for the understanding of Private Law 1, which is a combination of the Law of Persons and Family Law in the University that was my research site.

examples of cases where understanding of the terms and concepts mentioned above could be applied. Examples of prescribed cases for Private Law 1 were:

- *Bridges v Van Jaarsveld* [2008] JOL 22795(T);
- *Guggenheim v Rosenbaum* **1961(4) SA 21(W)** [This case is no longer part of the course work, but it was part of the 2010 coursework.]; and
- *Ngubane v Ngubane* 1983 (2) SA 770 (T).

4.7.4 Students' experiences of tutorials: Description of language in-education interactions and different tutoring styles

Since the student participants were not in the same tutorial group, I discuss their experiences in each of them. Although I could also have used a thematic approach to data analysis, these snapshots possibly paint a more vivid picture of individual student experiences in each case. In this way, the social construction of knowledge (or lack thereof) is illustrated clearly. Using four cases of languaging practices and different tutoring styles in tutorials, termed *Case 1*, *Case 2*, *Case 3* and *Case 4*, I attempt to respond to research questions 3.6.3.1 and 3.6.3.2. There are both admirable and critical points about how language was used in various English-medium tutorial sessions conducted by four English-medium tutors for Private Law 1 where the 11 African-language-speaking student participants were spread out in their respective tutorial groups. In focus-group interviews, I asked the students to tell me how they thought the tutorials differed from lectures in terms of the approach and the ecological elements of the two different types of classes. Reasons explaining why and how the students benefited from attending tutorials are elaborated upon later in this article.

4.7.4.1 Case 1

On the one hand, the students commented on how impressed they were with two tutors who spoke English confidently and gave them memoranda in English. They said that these tutors happened to be the ones who had encouraged them to formulate notes and gave them useful tips on how to analyse law cases. The students who were led by these tutors stated confidently that they had benefited from the tutorials. Despite their favourable comments about the benefits of attending tutorials, the students nevertheless also expressed their longing for more support specifically related to Private Law 1. Some even mentioned that they needed even

more support because they were far from home and their families – which links up with their need for more personalised support.

From my observations of tutorials, it was clear that the tutorials were not just an exact duplication of lectures. The learning facilitation styles demonstrated by the tutors were different from those of the lecturers. For instance, some tutors would write on the green board with chalk, unlike the lecturers who came with ready-prepared PowerPoint slides with Afrikaans–English co-langaging as a norm. However, there was a noted resemblance in terms of the tutor being in a position of authority as a leader of the academic ecology, which meant that the overall approach was formal. Tutorials did not have a vibrant culture of question-asking and multidimensional communicative lanes which allowed for negotiation and exchange of meaning. In fact, it is ironic that the lectures were more vibrant spaces that allowed for argumentative activities with various kinds of rewards given to those active participants who did pre-lecture readings and preparation.

What was common in these tutorial sessions was seeing students being less tense in tutorials compared to how they behaved in lectures (Kese & Van der Walt, forthcoming). In lectures, they were very quiet even though the lecturer opened an array of opportunities for active engagement. What was notable to me as a non-participant observer in tutorials was that no tutor could translanguage to African languages because none of them were speakers of an African language. This was confirmed during focus-group interviews in 2011, when reflecting on the experiences of language use in Private Law 1 ecologies. The student participants indicated that there were no African-language-speaking tutors in the previous year of study in this module. A third source in this regard was an administrative assistant who confirmed that the tutorials were conducted in only Afrikaans and English, and that even in 2018 this was still the case.

4.7.4.2 Case 2

On the other hand, three students expressed their dissatisfaction with the way two tutors used language in English-medium Private Law 1 tutorials. According to the student participants, these two tutors did not fully honour the promise of an English-medium tutorial. Voicing their concerns about the language factor, which directly responds to the second research question, these three students described an instance when a tutor who was helping them with

preparation for a test that was due the following week pinned up a memorandum in Afrikaans only. See the following excerpt:

Anathi: *And, and, and like just to add to that, like, I'm not quite er but with one of our tuts, tutorials that we did, we ar-h, we did a tutorial and then we got the memo of the tut, then she put it up in Afrikaans only, and then when she put it up in Afrikaans she's like ja, the memo is on WebCT, we must go check it out and when we got there it was in Afrikaans [pause]; and then later in the sec, the third test er-rh our first Family Law test but our third test for Private Law, eer-hm, she asked that exact same question that she asked in the tut, but we as the English people didn't even bother studying it because it was in Afrikaans and we didn't have time to, to like translate the memo.*

Karabo: *Translate, ja-ah!*

Anathi: *So that was nog al that bad. It was not really nice.*

Interviewer: *So why did you not bother?*

Thatego: *It's not, it's not because, it is not the fact that we didn't bother. It was just because it was in Afrikaans. I think we were writing, like we were writing in the second day, like, let's say, she gives it to us this weekend – next week we are writing. So we felt like, it's putting people at a disadvantage, so she wouldn't put the other people at a disadvantage because she did say in class uhmm it's not gonna uhmm be at a advantage for anybody if it's in Afrikaans.*

Karabo: *Ow, ja-ah!*

Thatego: *So we were like, sure, chilled, we'll look at it but we won't find the means to translate it because it's not important, you know? When we got to the test, twenty marks for this question!*

Interviewer: *Out of?*

Anathi: *Forty.*

Karabo: *That was, that was the merest event, [pause] that's a lot.*

Interviewer: *... and then, what did you do about that? Did you complain or just kept quiet?*

Karabo: *You can't complain then, you have to complain about the whole quality, it's only so much you can do.*

Thatego: *I, I think there are few people who complained and she was like, but well, if you really wanted to, you could have came to me, you know. She just made excuses*

about, it's your fault actually, not my fault actually!

Interviewer: *Okay, but umm, in my understanding, tutorials provided a freedom of choice or preference to work with either an Afrikaans- or English-speaking tutor – so I believe you made that choice. How come was the memo in Afrikaans in an English-medium tutorial?*

...

Thatego: *The memo for the whole group was in Afrikaans. We had an English tutorial. But it's like even though it was an English tutorial, the memo was still in Afrikaans.*

[Almost everybody in the room passes remarks simultaneously.]

Karabo: *Ja, but I mean, you know, to some extent, I guess she would be doing us a favour. For me, maybe she did not actually feel obliged to go the extra mile. I don't know, that's my reasoning.*

It is clear from the transcript extract above that the three affected students were displeased with the handling of the memorandum, particularly because they believed it was against their expected language mode. An additional concern of the students had to do with feedback on performed tasks. They thought that it would have been better if they had been given personalised constructive feedback, either verbally or in writing, on their scripts – as the lecturers did. Some students noted that their tutors worked “strictly according to the memorandum”. Even though the research question posed were not directed towards tutors’ competence, the descriptions point towards students’ grievances with regard to tutorial assessments. With such language-use experiences in tutorials, the data about how the students perceived the potential of their home vernacular grew in importance. In fact, the students pointed out that it would be better if the department offered them a foundational course in Afrikaans so that they could socialise with Afrikaans-speaking classmates and compare tutorial notes and lecture summaries.

4.7.4.3 Case 3

One tutor was a role model in terms of capturing the interest of the students to participate and be engaged in class. He achieved this through a combination of aspects including personality traits. He had:

- an audible and captivating voice and he demonstrated confidence when speaking;

- a good command of English to engage in communication with the students who chose to attend English-medium tutorials;
- an engaging presence in class through body projection;
- noticeable positive energy and evident enthusiasm;
- a mature approach to managing the class;
- a commitment to delivering through a clear progression of activities towards the goals of the tutorial and students' learning outcomes;
- commendable facilitation techniques and he encouraged the students to be creative with note-taking; and
- tips to share with the students as some kind of a clear workable formula as to how to analyse cases and on how to argue when answering questions or working with assignments.

4.7.4.4 Case 4

In one session, I observed many major differences in tutoring style, and minimal similarities, between my selected sample of tutors for Private Law 1. Taking an example of a single tutorial session with 13 attendees, I observed that one student happened to be an African-language-speaker (as the class register confirmed). This African-language-speaking student sat at her desk with no peers next to her (see Addendum H). The tutor came in after all the students were already seated. Fixing his eyes on the African-language-speaking student, who was sitting alone in a separate desk, he said:

Guys, I'm going to speak in Afrikaans. Is there anyone with a problem with Afrikaans?

No one answered.

At separate times in the tutorial, he said:

My English is very poor but I am working on it.

Excuse me for my English and sorry the memo is in Afrikaans. Will translate along.

Continuing in Afrikaans, the tutor tried to translate into English on several occasions. He discouraged the students from formulating their own notes with the promise of a memorandum to be posted on WebCT.

More positively, the tutor did guide the students on how to analyse legal cases. He did show some passion for the tutoring service and his comprehension of the subject matter was undoubtable. However, the most prominent challenge which the students regarded as a problem was the question of language – that is, his speaking more Afrikaans than English in an English-medium tutorial.

The students mentioned that, in tutorials, it was easier to engage verbally as there were fewer students present and they could work in pairs or in groups with those students who understood their African home languages. They expressed a need to be allowed to use their African home languages freely when they felt like it or even in an organised manner, where possible, alongside English. The students also expressed fervent emotions around language use particularly in tutorials, because they viewed tutorials as a viable site where they could support each other in cases where they had “similar problems”.

4.7.5 Facilitation styles and pedagogical consequences

It is commendable that, regardless of the language use and memoranda issues mentioned in the cases in Section 4.7.4 above, the tutors seemed enthusiastic about their tasks. However, the language-related and facilitation barriers in terms of ensuring understanding on the part of the students remained a challenge. In a positive light, the tutors – including the ones involved in memoranda and language use issues in 4.7.4.2 *Case 2* and 4.7.4.4 *Case 4* above – shared tips with the students to equip them with some kind of clear, workable formula to approach cases and argue when answering questions or working with assignments.

The tutor mentioned in *Case 3* seemed to have motivated the students to access cognitive benefits. His facilitation techniques encouraged the students to be creative with note-taking.

What the students said, as well as my observations, revealed an obvious lack of confidence in verbal academic English in two tutors. In terms of horizontal communication, again, the tutors hardly created opportunities for exchange of meaning at student-to-student levels, with

students fulfilling the role of recipients of the talks rather than participants. This means that more opportunities could have been created for the students to ask questions in class, so that the tutors themselves could tactically assess their understanding in class and to better cater for students who were generally withdrawn and those who were extroverts. When I asked about the number of African-language-speaking students in each tutorial group, some tutors were actually not sure of the exact number in their respective groups, probably because they did not regard that as important.

4.8 Analysis and discussion

Themes that emerged from those findings discussed in the previous section that present direct responses to the four research questions of this study are discussed next.

4.8.1 Congruence and mismatch of observations by participants

There were two noticeable similarities between what the students said about the influences of academic performance and what I observed in terms of memoranda in different tutorials. The main difference is that in my observations, the memoranda had to do with a previous task and the students needed to follow the memoranda so that they could mark their own work to see where they had erred. In the case of the three students' claims, the particular memorandum had to do with a previous year's assessment paper in preparation for an upcoming test.

A second and yet significant theme was gleaned from linking the two Private Law 1 lecturers' observations and students' experiences of academic encounters, which include language use. For instance, a noted congruence is that of prolonged lack of or a delay in arranging consultations with the lecturers to indicate major academic challenges and related factors. From the perspective of ecology theory, in this instance, the students lacked an empowering approach on how they related to other members of the tutorial ecology.

A third theme is that of the sense of unchallenged ecological features in the mind. For instance, In *Case 2*, Karabo expressed a sense of hopelessness and disempowerment. She first said: "You can't complain then, ... it's only so much you can do." In a different instance, regarding the *Case 2* memorandum experience, she thought: "I guess she would be doing us a favour. For me, maybe she did not actually feel obliged to go the extra mile." A fourth theme

which is also related to Case 2 is that of affective factors that are linked to a feeling and perception of being disadvantaged, as Thatego expressed his interpretation of the state of affairs. The mindset expressed by Karabo in *Case 2*, is not promoted by the radical transformative nature of ecology theory in terms of prioritising other members of the academic space about how they value their abilities and their identities. Van Lier's (2004:246-9) insights into the ecology theory in terms of engaging in a radical social activity as a learning leader to better the situation towards meeting learning needs. The students' academic literacy challenges that the tutors, lecturers and the students themselves detected included coping with the quantity of work; understanding assessment instructions; analysing legal cases and application; answering longer texts; and adapting to the difference between how they used to relate to their subject teachers in high school and how to relate to lecturers in the university ecology.

There was, however, no correlation between a tutor's point of view that students who do not have a good command of English are not supposed to be at university, and the students' perceptions of the need for the use of their African home languages in tutorials.

4.8.2 Specific strategies that helped and ecological features that the students appreciated about the tutorial arena

Specific working strategies helped the students to meet course requirements. Even though some students were occasionally discouraged by their tutors from note formulation during tutorial sessions, they still progressively improved their academic literacy practices in tutorials when they were allowed to do so freely. For instance, active listening while formulating their own notes in tutorials helped them. Van der Walt and Nienaber (2010) indicated that university students should have the skill of formulating notes by paraphrasing lectures rather than depending on copying notes from slides word-for-word or trying to write everything that the lecturer or tutor. Asking questions was also helpful, even though it took place minimally during the sessions I had the opportunity to observe. Quite notably, when the students mentioned the features of the tutorial ecology that they liked, they tended to make a comparison between lectures and tutorials. For instance, they mentioned that the tutors did play a positive role in helping them, despite their frustrations, and that they enjoyed the small groups compared to the far bigger class size of lectures. They also commented that the language of teaching and facilitation was basically English and not the too-structured

shuttling between Afrikaans and English, which Karabo referred to as “intimidating”. This point was elaborated upon by Siyanda when he said he liked that in tutorials, there was no repetition of what was said in one language. In addition, the students mentioned that a smaller scope of work per session helped them focus on, which made it manageable compared to lectures that would cover many topics in a single session. Karabo reported that she liked the atmosphere of the tutorials in terms of providing emotional support, as she claimed that usually “everybody has the same worries”. The tutors showed a keen interest in the students’ understanding when they gave a specific formula and guided them in the process of approaching legal cases. I witnessed the tutors’ enthusiasm when it came to explaining to the students how the legal principles and applications worked pertaining to the legal cases. The case that the tutors seemed to have enjoyed (that is no longer prescribed) was: *Guggenheim v Rosenbaum 1961(4) SA 21(W)*.

However, because of the student-centredness of the lens through which the data were interpreted in this study, students were regarded as important actors in the tutorial arena. One thing that the students might have said they liked about the course delivery methods of Private Law in tutorials could have been a powerful platform for meaning-making – if the interactive moments created by the tutors were not minimal and if students participated more. Students, however, did little more than jotting down notes and there were times that I observed a tutor discouraging the students not to take down notes, and going through an Afrikaans memorandum with minimal translation into English, which had been promised. Students mostly listened to the tutor and marked their own work after their tutor read the memorandum. However, as an additional response to my second research question, tutorials seemed to be a good platform for students to learn.

4.8.3 The distinctive nature of the tutorials as affordances for the use of African languages

The view on affordances, among other things, was principally around: (1) what made the students learn effectively, i.e. which features of the tutorial arena should preferably, according to the students, be maintained; (2) what were learnable moments derived from the tutorial events that were not favourable for all the students or the tutors themselves in view of their practice identities which included language competence, attitudes and sensitivity; and (3) what challenges were identified around module demands such as legal terminology and

concepts with peculiar linguistic connotations; and (4) what viabilities were present for new opportunities for advancing students' epistemological access.

Perceiving tutorials as a socio-academic space, the students identified these interventions as a social space where communal learning could take place in their African languages alongside English as an official practice. Even though this study focuses on tutorials, it is important to note that the same group of students that were reported to be quiet in verbally argumentative or interactive moments in lectures (Kese, forthcoming) were, to some extent, participating in tutorials. The place where learning is situated is the primary provider (Järvinen, 2009:164) of affordances (Gibson, 1986) that facilitate learning by means of tools such as language. This suggests that the tutorial arena can still stretch further in terms of providing opportunities for students to be interactive; to ask questions; to formulate own notes in various creative ways, including bi- and multilingual diagrams; and to do self-evaluation tasks accompanied by an appropriate manner of giving constructive feedback (including administration of the memoranda). I mention the memoranda without necessarily agreeing with what was mentioned by the students in *Case 1*, as member checking was not done with other members of the tutorial ecology. At the same time, I do not contest it either. My point about memoranda handling relates to *Case 4*, which I witnessed during tutorial observations, where the tutor made the excuse: "... sorry the memo is in Afrikaans, will translate along." This is an instance when the tutor discouraged the students from formulating notes as he spoke, claiming that he would type the memorandum at a later stage.

The tutors were dominant in vertical communicative practices, and the opportunities for negotiation of meaning between the tutor and the students were rare. What was lacking in tutors was the ability to break the ice in tutorials and their lack of providing adequate opportunities for horizontal (student-to-student) engagement to create an energised interactive climate. The use of Afrikaans by English-medium tutors without prior language-use arrangement or agreement with the students seemed to be a problem for the students. However, with two of the tutors, the tutorials were interactive and the atmosphere was not tense, though there was room for some improvement. However, besides the abovementioned language-use intricacies, there were commendable techniques that the tutors used regarding the analysis of legal cases, namely the formula approach (see Addendum G). The formula approach could be more profitable when used in English alongside African languages. African-language-speaking students could be asked by tutors to construct their own formulae

using bilingual knowledge maps known as ‘BiK-maps (Bahr & Dansereau, 2010). The tutors tried to equip the students with a formula for applying theoretical knowledge and principles. They also used a facilitation technique of asking the students to mark their own work so that they could identify misconceptions and improve understanding.

It is recommended that tutorials be structured in such a way that the use of indigenous African languages of South Africa is formalised, so that the students do not have to introduce their African home languages secretly into tutorial sessions for Private Law 1. At the micro-level of operation, the multilingual environment with users of African languages requires that students work together without necessarily working in isolation from the speakers of other languages. What is important in this instance is that the relationship among the students as active participants in the tutorial ecology should connect cognitive processes with social processes, such as language with other visual and auditory sources of meaning (van Lier, 2004:258–259). The manner in which language users relate to each other and the connection of various complementary sources is the core of the ecology of language. This consideration could make it possible to create opportunities for in-or-out of tutorial classroom interactive use of varieties of students’ home language. I say so because it was evident that first-time university-entering students needed support in terms of boosting their confidence to use academic language in a plenary. In addition, for those smaller tutorial groups, the academic environment would allow for the provision of support, with a tutor that understands the importance of students using their languages alongside English. Besides, the multilingual academic environment with users of African languages requires that students work together. In this regard, (Visser, 2009: 1) argued that talking should be recognised as a productive literacy practice which could assist in the promotion of active academic listening for advancing academic writing. Apart from a language repertoire, the African-language-speaking student participants could use varieties of social lingo and symbols to creatively formulate their thoughts and to foster remembering and understanding of academic law discourse. This could assist them to acquire foundational knowledge, to understand the principles more easily, to enact facts in context, to contextualise the analysis of legal lexicon, and to make informed judgements.

Similarly, affordances for epistemological access in Private Law 1 -specific content literacy rely on students’ self-efficacy in terms of their how they are prepared to use their home languages, place the value they place on inside and outside the classroom. This can be done

by creating possibilities the advancement of literacy in law discourse by means of sensible language teaching and learning arrangements in tutorials. As can be seen from one of the participant's responses, the fact that there were so few speakers of African languages in this context could have meant that they felt overwhelmed. When a student said, "There is only so much you can do", this implied that dominant languages exert an overpowering influence on students who speak minoritised languages. The distinctive nature of the tutorials would give the students an opportunity to connect critically with home language and literacy, especially in the case of minority students who were not participating or interacting in lectures. If tutors could incorporate commendable features to provide learning support and to facilitate learning, tutorials would be worthwhile for the additive use of African languages. This discussion was supported by the verbal assertion of Bamgbose (2013) about the importance of multilingualism, when he said that schools and universities "need to carry along the others by using the languages they are competent in".

From the foregoing discussion, it can be deduced that the use of only one language in a tutorial with multilingual students can work against cognitive justice. However, the hope for practicality remains challenged if tutors' attitudes to the use of African languages in class are negative and the blurred lines between lecturer and tutor are not addressed.

4.9 Conclusion and further study

There is a common question pertaining to debates around the intellectualisation of African languages about whether we should wait until the course materials are fully developed in African languages before we put them to use or allow them to function. At the university where I conducted my research, it would be a fallacy to say that the hiring of African-language-speaking tutors would make the tutorials operate solely in the African language medium. Currently, the prescribed study legal material such as textbooks, note packs and study guides are available in Afrikaans and English. Besides, Kese (forthcoming) reveals that the group of Private Law 1 students that participated in this study indicated that they would not like to drop English while they use their African home languages. This way of thinking is in line with Banda's (2009b:4) claim that monolingual or mother-tongue-only language-use models are not ideal in a multilingual context.

Considerations about the profile of tutors and students can be a trailblazer of affordances for a good relational spirit in a tutorial ecology where sensitisation about co-existence, prevalent languages and language preferences of all the co-present members in the tutorial space would be evident in the pedagogical practices pursued. Owing to the complexity of epistemological access, it was clear from the discussion that language use in tutorials could have added cognitive value for the students, if language preference arrangements were made and pre-class mutual agreements were reached for every member of the tutorial ecology to adhere to during the commencement of tutorial sessions.

These findings are not representative of all the students with African languages as their home language. However, the study has the potential of provoking useful thoughts around micro planning and implementation of the inclusion of African languages in Private Law 1 academic ecologies, in response to the calls by the Department of Higher Education and Training's (2018) Language Policy draft. The idea that someone who lacks a good command of English is not supposed to be at university can have serious consequences for the enrolled students as well as for higher education multilingual language policy execution. The argument in this article considers that tutorials should be platforms for non-threatening spaces where discipline-specific content understanding is realised towards the attainment of cognitive justice inside and outside the tutorial classroom. Tutorials are environments where the negative effects of large classes can be mitigated so that students receive more personal attention and the opportunity to translanguage and build their understanding of content. The examples provided by Madiba (2010:237–238), where students discuss concepts in their home languages, thereby deepening conceptual knowledge, are indicative of what could happen in tutorials. For the students who participated in this study – both the ones who attended former Model C schools and those who did not – tutorials could be a platform where their African home languages can be used alongside English. This could help these students learn how to answer particular kinds of questions, especially those they were not comfortable to answer in plenary discussions during lectures. Tutor recruitment, selection and training could thus include addressing such issues in response to students' key academic literacy challenges and needs. This is also the opportunity – if the right tutors are employed – to include African languages as means of tuition. The notion of student-centredness influenced conclusions of this study in view of a humanising additive approach to affordances for the use of the students' African home languages alongside English.

A further study can look at investigating strategic management of polylinguaging as a pedagogical practice that promotes the use of African languages in multilingual tutorials without creating a learning ecology that isolates African-language-speaking students from students with different home languages.

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CHAPTER 5

PART I AND PART II

5. Conclusion

5.1 Introducing the concluding chapter

The findings, conclusions and recommendations presented in this dissertation bring an original intellectual contribution to the body of knowledge in the domain of applied language studies and literacy, particularly language use for academic literacy development and intellectualisation of African languages. The contribution is also significant to the improvement of practice in policy and curriculum delivery, concerning the science of teaching and learning in higher education, particularly in multilingual Private Law 1 university settings in South Africa.

The conclusion of this thesis is divided into two main sections, Parts I and II, which attend to the synthesis of the findings of the first four chapters and the recommendations of this study, and to the thesis contribution, respectively.

PART I: A research summary

Part I starts by providing a description and contextualisation of the research problem and argument, with theoretical support for my argument and an abridged methodological account. Thereafter, this section of the concluding chapter presents a succinct re-statement of the research questions and study articles, with corresponding threads of conclusions based on triangulated data, and framed on relevant theory and the literature reviewed. Each article is in direct response to a research question, and reveals relevant overlapping findings of the three research articles that are located in Chapters 2, 3 and 4.

5.2 Research questions

As mentioned in Chapter 1, the **central research question** looked at the factors and opportunistic influences affecting affordances for the use of indigenous African languages towards realising optimised Private Law 1 discourse in suitable academic ecologies: *What affordances can be found for the intellectualisation of African languages in the context of Private Law 1 students' academic literacy practices?*

The three **sub-research questions** that produced research articles in the same order were:

5.2.1 *How could translanguaging practices humanise pedagogical practices in Private Law 1 dual-medium lectures with African-language-speaking students?*

5.2.2 *What are Private Law 1 students' mindsets on the use of African languages to meet course demands and academic challenges in the Private Law 1 course?*

5.2.3 *What possibilities are available for the employment of multilingual learning strategies for the development of academic literacy practices of Private Law 1 students who use African languages at home?*

5.3 Brief review of participants and methodological account

Seventeen participants comprising two Private Law 1 (Law of Persons and Family Law) lecturers, 4 tutors and 11 students signed *Informed Consent* forms to participate in this mainly qualitative case study. These 11 Private Law 1 students were users of indigenous African languages that held an official national status in South Africa played a significant role in the study. Their traditional African languages were isiXhosa, isiZulu, Setswana and Xitsonga. However, the majority of them could speak other African languages too. Five students (Horisana, Khaya, Mbali, Siyanda and Zama) understood Afrikaans reasonably, while six of them struggled with Afrikaans communication. Even so, Mbali indicated that she relied on obtaining academic translations for academic purposes with regard to Afrikaans. Six of these students matriculated from former Model C schools and the rest from other public schools.

After institutional, faculty and departmental ethical clearance was granted, consenting students were asked to attend two introductory research project sessions. The students' role included completing paper-based questionnaires (see Addendum J), which were also sent electronically. Another role of the students was that of providing me with their personal

lecture notebooks and lecture or chapter summaries that they constructed – these were actually not referred to explicitly in this dissertation as I only received a few. The students also had to suggest meeting times for individual interviews and had to honour the appointment for the one-on-one interview sessions. Further, they had to participate in focus-group discussions. As part of the role of the academic staff, the Family Law lecturer introduced me to the class on the very first day of lecture observation, and she allowed me to be a non-participant observer as desired, for the whole semester. She also gave me a study guide (both English and Afrikaans versions) for Private Law 1 so that I could understand some module demands and potential challenges though checking the nature of tasks embedded in the curriculum. This information was important because it gave some insights into the student responses to sub-research question 1, which may be found in Section 1.6.2 of Chapter 1 of this dissertation. Both the Law of Persons and Family Law lecturers had to share their critical observations on academic literacy challenges of the African-language-speaking students. During the course of the study, I became acquainted with the lecturers and they also engaged in informal chats with me about the progress of my study. In addition, the lecturers had to complete a short, paper-based, structured questionnaire that was sent to them via e-mail. Concerning the role of the tutors, I was permitted to sit in on tutorials and interview the tutors about their individual views on the potential use of African languages in academic functions.

During the time of the study, the students had to choose between attending Private Law 1 tutorials conducted in English or those facilitated in Afrikaans. All the students who participated in this study preferred to attend English-medium (language of facilitating learning) tutorials. The majority of the participants were not proficient in Afrikaans. This is why the focus on the intellectualisation of African languages was seen as being alongside English.

Throughout the study, I used pseudonyms for the students – to protect the identity of the participants. The allocated names, Anathi, Horisani, Karabo, Khaya, Mbali, Neo, Otsogile, Siyanda, Thatego, Tholakele and Zama, reflected their African home languages.

For the case study approach, I used differentiated procedures and adapted a variety research strategies in pursuit of qualitative studies, since there is no single-way or rigid method for designing a good research study (Maxwell, 1998; Denscombe, 2014: 3). The use of multiple

perspectives allowed me to approach my research problem and data analysis from different angles. In terms of language policy implementation, I started from Leibowitz's (2015:38) view that the implementation of language policies at universities should acknowledge the perceptions; or rather not neglect the attitudes of the users of the target languages in order to achieve relevance and efficiency in the implementation process of multilingual language policies. From that point, I enquired how the 11 bi- and multilingual Private Law 1 students with African languages as home languages in a former Afrikaans-only university had experienced language use in academic settings, namely, dual-medium (Afrikaans and English) lectures and English language of learning and teaching (LoLT) tutorials. Concerning the former, I attempted to explore and interpret translinguaging dynamics in multilingual lectures; and the latter was a quest to provide affordances for the use of African languages in tutorials and relevant multilingual strategies for the deminoritisation, demarginalisation and thus the intellectualisation of African languages. For further details on procedures and credibility matters, refer to Section 1.9 of this study.

5.4 Titles of the three articles, theoretical lenses and stating of respective findings

In an endeavour to respond to the central research question, provided in the opening paragraph of Section 5.2, I divided the question into three prominent parts to form sub-questions, and consequently produced three different publishable articles. These articles were thus inter-relational, and hence sometimes cross-referenced. The relationship between the three articles is confirmed in the theoretical lenses and conceptual frameworks with overlapping elements, as is shown in Figure 1.1 in Section 1.7 of the first chapter 1. A consolidated response to the central research question is found in Section 5.7 of this concluding chapter. Short summaries of the articles that respond to the three sub-research questions are presented below in Sections 5.4.1, 5.4.2 and 5.4.3, with their titles centred in *Italics* just below the respective sub-headings.

5.4.1 Title of Article 1 located in Chapter 2, theoretical influence and brief key findings

Translinguaging dynamics in dual-medium lectures with bi-/multilingual African language-speaking university law students

Data presented in this article were analysed and interpreted against the theoretical background of translanguaging as a humanising pedagogical strategy with a consciousness of Acosta's (2015:11, 272) view that the way in which humans relate to each other should not only privilege certain of them and disfavour others in the academic ecology. This implies that translanguaging can be humanising when it is not limited to code switching by the academic staff, but – instead – opportunities are available for the students to enter into translanguaging deals in the classroom marketplace with a view to optimising learning. Palfreyman and Van der Walt (2017:9) observed translanguaging as both a communicative action by individuals in a variety of situations and pedagogies when lecturers create the opportunity for translingual practices to take place. The creation of opportunities for students to use their home languages would make it possible for the students to gain cognitive advantage even though the academic staff might lack proficiency in African languages. It is with this humanising theoretical background that this study managed to compile possible code switching strategies in multilingual academic environments with African-language-speaking students. The findings from this article indicate that all the students generally disfavoured dual-medium learning spaces. However, there were positive remarks regarding their experience of the implementation of dual-medium language policy.

Positive observations by some students had to do with being kept alert in class. There however were a few who said the opposite, commenting that it was easy to lose concentration at times. Another positive comment related to the advantage of comparing meanings in the slides in the two languages, for those students who were proficient in both Afrikaans and English. The students also gave credit for co-languaging strategies that were useful to their learning, with a mention of the advantage of using icons next to the text. All the students admired the lecturer for Family Law for interpreting individual questions posed in Afrikaans into English during interactive sessions in appreciation of her sensitivity towards those who did not understand Afrikaans.

Negative remarks related to students' concerns about imbalanced code switching in teaching that disadvantaged those who were not familiar with Afrikaans. The academic performance results scores were low, as detailed in Section 2.10.3.3 which, according to the students, was owing to language-in-education matters, particularly imbalanced code switching in lectures. While this is so, data from questionnaires completed by the subject lecturers revealed that code switching was not the only contributor to academic performance, but there were social

navigation elements involved, such as the need to become acquainted with the university culture, and making appointments with the lecturer on time, as indicated in a questionnaire completed by one of the lecturers (see Addendum L). Furthermore, a lack of developed law-specific academic literacy practices was identified as a retarder of academic success regardless of the students' proficiency levels in English and Afrikaans.

5.4.2 Title of Article 2 located in Chapter 3, theoretical base and summary of findings

Mindsets of university law students on the 'intellectualisation' of African languages for the enhancement of academic literacy practices

Article 2 relied significantly on Paulo Freire's radical theory of education for critical pedagogy with conscientisation or critical consciousness-raising as a key phenomenon (Yep, 1998). I studied the extent to which the students were willing to act (that is, use African languages) and change the situation when an opportunity was presented to them, in line with the Freirean view of emancipatory learning. In addition, conscientisation corresponds to students' critical awareness or consciousness (Freire, 1998a, 1968; Lloyd, 1972; McLaren, 1999) of the potential contribution of the students' African home languages towards content understanding and creation of new knowledge. This encapsulates the notion of self-assuredness that refers not just to willingness to use African languages but to confidence in their own languages and the hope that they would have an empowering effect when an action to use them is taken. To condemn the dehumanisation of the teaching and learning praxis, Freire (1998b, 1968:1) states that reflection, together with actions for transformation and emancipation from oppression, is possible through an awakening of the critical consciousness for *creativity* for a better learning experience for a better world. Freire's mention of creativity implies that a learning strategy is a creative activity; hence I regard translanguaging strategies as forming part of creative social interactive activity, whether interacting with texts or humans. Yep (1998:159) identifies the concepts of dialogue (negotiation and consultation) and empowerment as crucial in Freire's (1968) notion of critical pedagogy. Nicolls and Allen-Brown (2001:7) and McLaren (1994:197) add to this view by stating that critical pedagogy begins with the experiences students bring with them from the surrounding culture and is transformative only when students begin to use the knowledge to help empower themselves and others, including individuals in the surrounding community.

In this article, I investigated the mindsets of Private Law 1 students coming from African language background and who were using these languages at home in South Africa. My objective was to understand the value that these students attach to their African home languages and their level of determination to use them for the advancement of academic literacy practices if an opportunity were presented to them. As much as the students were in favour of the potential introduction of African languages in the university academic spectrum, they made it clear that they were against any thoughts that could promote a sole use of African languages in law studies. Their mindset was that African languages may feature so that they did not need to use their home languages secretly or use them only in informal settings that they independently convened outside the class. They added that they would like to see their African home languages featuring in the University's intellectual scene alongside English, and not to replace English. Generally, students had intrinsic connections with their African home languages, even though a few sounded neutral, with both positive and pessimistic views. For instance, one student said she valued her African home languages, while not sharing any thoughts pertaining to viability of the intellectualisation of African languages – probably because she could not figure out how that could be practically done. As mentioned in Articles 1 and 3, the student who passed an African language in Grade 12 with distinction perceived these languages to be “socially” important but did not think they had a place in academic activities. This is the student who apparently contradicted herself as she said own African languages helped students in their study groups outside the classroom. This is a view that I problematised, drawing on the understanding that inside-the-classroom learning is also a social activity. Hence, Gee (1996) talks of socioliteracy.

Next, I present a selected combination of positive and pessimistic mindsets around the intellectualisation of African languages, in students' direct speech and in reported speech form, as gleaned from the completed questionnaires (see Addendum J):

Universities in South African need to recognise that African L1 languages are intelligible and therefore commit to create platforms for these languages to function.

Retain our languages with all languages growing together.

I appreciate my language and will be please if we/I used it more.

It is necessary but putting it into practise will be difficult.

The inclusion of African languages in both formal and informal academic activities could probably work well if compliance is there from the students' side.

The students articulated their view that they would like to have a university law degree with a qualification or certificate presented in English, being a global language, and not in an African language. One of them said that it would be problematic to have a qualification in an African language only because that would mean a struggle to obtain legal firms in which to practice. It was evident that the students were enthusiastic about the official inclusion of their African home languages in academia, but most of them did not see relevance in these languages in the world of legal professional practice:

The challenge here lies with opportunities that might not arise with holding a qualification in which the language medium of communication was an African language. We unfortunately live in a global world in which other languages are given preferences over others ... when a person looks for employment; unfortunately, there have been incidents where the manner in which you pronounce your words in English, or the way your accent sounds makes a huge difference.

I think that it is not the language in the business world and we are all ultimately striving to be part of the corporate world and sadly or fortunately english is the language.

The way that I interpret the statement above is that African-language-speaking students can contribute to their own cognitive misery if importance is not laid on taking action as reflected in the radical theory of education for critical pedagogy (Freire (1998), which bases language use in academia on academic self-efficacy as elaborated on in Section 1.7 of Chapter 1. The students foresaw the socioeconomic advantage of African languages in academia, but lacked an understanding of how that could translate into job hunting and professional advantage. They viewed English as the only language that would fulfil their economic chances to obtain a job and enable them to be efficient in the workplace. It is against the background of the increasing perception that law firms do not find relevance in African languages that the study recommends critical consciousness-raising about multilingualism in legal professional practice. This would, one would hope, assist the students to think critically about the reality of the multilingual communities that they are likely to serve after graduation in legal practice ecologies. Thus there was a need to spell out the value of these languages in the context of law-related professional service in terms of what Bourdieu (1977) clarified as the sociology of language and the economics of language. This view is one of the factors that led to the

recommendations for infusing multilingualism that entails “rendering legal service in multilingual communities of South Africa” for public good, with this critical consciousness as an important graduate attribute, as specified by the Council for Higher Education (CHE, 2015:6–6). This would ideally assist in putting on new spectacles to see the notion of the legal profession as that which renders a ‘human-focused service’ with integrity, rather than as simply part of the ‘corporate’ or ‘business’ world. This would conscientise students before and after graduation about the opinion that, in multilingual communities of South Africa, individuals (potential clients) who do not have a good command of the English language need to be assisted and their communicative needs met with due fairness.

Finally, the students valued the concept of academic literacy. However, they pointed out that with Private Law 1, academic literacy development needed to go beyond the application of foundational knowledge or terminology building. They mentioned that they wanted to be able to distinguish easily between what they knew and the understandings they actually lacked in terms of required knowledge. Regarding academic challenges and demands, the students indicated that they enjoyed a section of Family Law that dealt with customary marriages when they were discussing the concept of *lobola*, *intlawulo* and *isithembu* as they could relate to the cultural content. Largely, the students’ disposition around the matter of intellectualisation of African languages was that of realising their freedom to use their African vernacular among the students and academic staff with different home languages without having a feeling of inadequacy or doing something unofficial or unacceptable. Some reasoning was directed to indigenous African languages of South Africa, spilling over to those who found value and had cultural connection with them. The students, however, did not all have a clear idea of how practicable that would be in terms of administration as they indicated that the option for learning in African languages was not applicable yet in the Private Law 1 module, except in their extramural communal academic knowledge-sharing activities. The participating students attributed unwavering high importance to the English language. What was unique about the study is that the view of students who matriculated both in English-medium and non-English medium schools had a similar take on this issue. In addition, the students did not reject their home languages for English, but were willing to use their African home languages alongside English in official situations both inside and outside the classroom.

5.4.3 Title of Article 3 located in Chapter 4, theoretical background and brief key findings

Affordances for additive use of African languages alongside English: Optimising learnable moments in a law tutorial ecology

The ecology theory and the notion of recognising the ‘presence and co-presence’ (Sanders & Melton, 2010:63) of the participants in the academic ecology drove the process of data gathering, analysis and interpretation. This academic literacy practice by the students supports my argument that Private Law 1 students’ African home languages carry an investable currency to yield knowledge production. As much as the students have identified tutorials as one of the affordable ecologies for ideal inclusivity of their (South African) African languages, the profile or identity of tutors can either promote or retard their success in operating with English. The article investigated the availability of opportunities for the employment of multilingual learning strategies for the development of academic literacy practices of Private Law 1 students who use African languages at home. The focus was on indigenous African languages of South Africa that hold an official national status. It was discovered that the tutorials can actually help with the academic challenges that the students and lecturers identified. The cases in the study revealed that the use of African languages in tutorials could be a means to support the students not only academically, but also psycho-socially, and also to address the fact that these student participants felt too intimidated to participate actively in academic or legal English in argumentative oral discussion in a plenary and did not ask questions in the lecture. They perceived tutorials as an academic ecology for their advancement in Private Law discourse, with the emphasis that their need for support was not limited to terminology building. These are some of the points that could inform tutor recruitment, selection and training in this regard.

5.5 Recommendations for humanising translanguaging practices in African languages

The focus in this section is on recommendations, firstly to lecturers and then to tutors in the Private Law Department, and later for the development of academic literacy programmes. The recommendations to be presented next respond more to the main research question provided by the first article in Chapter 2: *How could translanguaging practices humanise pedagogical practices in Private Law 1 dual-medium lectures with African-language-speaking students?*

Translanguaging as an organising principle for African languages is pursued in realisation of the complexity of epistemological access by first-time university-entering students. A conceptualisation of translanguaging customised for South African multilingual university contexts adapts the approach of Garcia (2015) of theorising translanguaging for both educators and students, while recognising the view of Palfreyman and Van der Walt (2017: 9) of translanguaging as pedagogy when a lecturer creates the opportunity for translanguaging to take place. Academic faculties and departments of universities have a responsibility to develop translanguaging strategies that are relevant to the linguistic profile of their students and linguistic competence of their academic staff. This can be done without using the shortage of lecturers who are proficient in African languages as an excuse for the continued marginalisation of these languages. The revisions of the language policy from the dual medium to that which embraces multilingualism should consider the academic ecology. Translanguaging is an ideal resourceful pedagogical strategy to accentuate the enhancement of students' academic literacy practices in Private Law 1 towards preventing students' feelings of marginalisation and alienation, as Daniel (2005) suggests, as were obvious in *Case 3* (Section 4.7.4.3 of Chapter 4 of this thesis).

Translanguaging in terms of code switching and co-langaging practices in lectures could have been supplemented by allowing students to have a 'two-minute whispering moment' (Kese & Van der Walt, 2015) with peers sitting close by checking comprehension with each other in the languages they are comfortable communicating in, including African languages. These recommendations for translanguaging as a humanising translanguaging practice relate to the virtues of this study as presented in Part II below:

PART II: Contribution and implications to the knowledge economy, which explains the distinctiveness of this study

Part II shows how this thesis has presented an intellectual offering by giving a consolidated synopsis of what the study intended and managed to accomplish, with a detailed outline of the contribution and implications of this study to the knowledge economy. This section also provides an explanation of how my study has stimulated me. I list the limitations in the research and reporting process, along with my concluding remark, and set out opportunities

for further research. Finally, I draw conclusions based on my direct interpretation of results in response to the central research question of this study.

5.6 Introduction

The demarcation of the research gap addressed by this study relates to a number of pertinent aspects. The subheadings below outline some of the key areas in the field of applied language studies and literacy, which contrast to what is commonly available in literature or scholarship.

5.6.1 Colloquial issue of intellectualisation of African languages in multilingual university contexts

Taking the notions of consciousness-raising which key to critical pedagogy, this study acknowledges that the descriptions of mindsets, insights and lived experiences play an important role in presenting the voice of reason on the part of students as well as academic staff. The revelations about how students reason, perceive and feel about the intellectualisation of African languages in Private Law 1 in line with their realisation of academic literacy in law, as well as their experiences of language in various ecologies of Private law can be informative towards a multilingual approach to policy implementation. This places an emphasis on the possible acknowledgement of the role of home languages of African-language-speaking students regardless of statistically forming a minority. This means that this study goes beyond the common trend of studying attitudes on the intellectualisation on African languages.

5.6.2 The language ecology at micro level

There are many studies on the problems of first- year students (Leibowitz, 2015; McGhie, 2012); on the development of academic literacy at first-year level (Leibowitz, 2009, 2004; Marais & Van Dyk, 2010); on problems with the acquisition of academic language of law studies or discourse of law pedagogy (Bangeni & Greenbaum, 2013; Greenbaum, 2012; Papashane & Hlalele, 2014); and on the use of African languages in higher education (Madiba, 2017, 2010; Van der Walt, 2013). What makes this study unique is that it looks at the impact that the classroom context has on a small minority of African-language users in a

multilingual context, where their languages are not seen as part of the ‘mix’. Although these students are willing to use their home languages, the classroom and tutorial context is not always readily supportive of their cultural capital. This study sheds light on how the actors or members of the academic environments relate to each other as language users and on the manner in which language use takes place. The study contributes to our understanding of how students who are in a minority (in this particular context) have to contend with the use of a language that they do not understand well or understand minimally (Afrikaans) and that even when they use their home language (in a tutorial) the attitude of their fellow students make them feel uncomfortable. These insights can provide adaptable pedagogical intelligence in terms of relational factors, situatedness of language use, and sensitivity.

5.6.3 Compliance with the calls in the Department of Higher Education and Training Language Policy draft

The research participants’ insights and experiences show very clearly how space can be provided for African languages in the classroom and in tutorials. This study can therefore support the revised calls of the Department of Higher Education and Training (2018) for multilingual teaching and learning towards advancing the use of African languages as languages of cognition in South African higher education settings.

5.6.4 A critical lens on dimensions of translanguaging and clarity in relation to code switching: A research contribution to literature

This study has revealed how the reality of what translanguaging as a pedagogical or else cognitive strategy can and cannot achieve successfully with regard to the nature of academic material and purpose for which it is employed. This offers revelations into translanguaging dynamics in terms of optimisation of learning and a critical consciousness of factors causing translanguaging to be ineffective in academia.

This study contributes to literature by taking a stance on the understanding of the notions of code switching and translanguaging. With the evolving definition of translanguaging, which includes the recent one by Mazak & Carroll (2016), translanguaging in education is about, among other things, finding and describing a set of language-use skills that work for particular groups of students, depending on the intention behind the use. I see a link between

Freire's (1998) "awakening of critical consciousness for creativity" and language use skills. I am therefore convinced that translanguaging is a creative activity in the meaning-making process. In addition, the languaging activity includes flexible cognitive processes in line with the intention and zone where translingual practices ought to take place. Smith & Murrilo (2015:62) referred to code switching as alternation of languages that generally takes place in speech rather than writing. However, in the context of this study, it is important to note that when participants make note summaries or prepare for exams by first writing before talking in collaborative learning, bi- and multilingual written discourse is expected. Again, while Makalela (2015:17) viewed code switching as fluid shuttling that is language-centred rather than speaker-centred, I would argue that it depends on the nature and purpose of code switching, as code switching can be speaker- or even writer-oriented, especially with respect to free switching practice. Obviously, inter- and intra-sentential "planned switching/responsible code switching" (Mwinda & Van der Walt, 2015:116; Van der Walt, 2013:142) or spontaneous code switching would influence who benefits from the communicative activity in relation to the function of the switching of language or language variety or dialect. Code switching can be language-centred in a case of guarding against language purity in terms of interpreting or translation or in an instance of formally structured balanced or semi-balanced switching.

Translanguaging encapsulates any bi- and multilingual communicative strategies and practices and should not be constrained to code switching, but can include other researched bi- and multilingual strategies or practices that draw on an individual's linguistic and semiotic repertoires. In fact, this study has thus embraced code switching and polylinguaging as translingual practices in their own right. This incorporates literacy events of a different nature and strategic employment of language features or varieties, and is not concerned about intermingling pollution. So, in this sense, translanguaging can be regarded as the umbrella term that embraces bilingualism, multilingualism and 'multidialectalism' (Smith & Murrilo, 2015:61) as bi- and multilinguistic strategies. Losey (2009:213, 230) called for the acknowledgement of written code switching at the same level as oral code switching. Van der Walt & Dornbrack (2011:89, 98) showed that translanguaging goes beyond spoken discourse, allowing for both reading and writing strategies. Similarly, code switching is an example of translanguaging practice, and, arguably, both code switching and translanguaging can make verbal, written, reading and listening literacy events achievable.

5.6.5 Promotion of inclusivity through multilingualism

Even though the study was conducted in 2010 and 2011, the findings still have relevance for the current language-use affairs in multilingual South African higher education. In this regard, Mayaba, Ralarala and Angu (2018:9) proclaimed that the “student voice can enlighten curriculum designers and society on the dangers of reproducing inequalities through the hegemony of English, and that graduate attributes should recognise multilingualism as an essential prerequisite that students should embrace”.’

The contribution that this study makes is that it can inform multilingual language policy implementation plans and strategy for transformative pedagogical purposes in South Africa, which is often, according to Balfour (2007: 41), an exhaustive and emotive exercise that sometimes seems to provoke a conflict of interests. However, I believe my study makes a meaningful contribution to the way in which the University’s language policy plays out at micro-level. Not much has changed with regard to the profile of African-language-speaking students in the Private Law 1 module in the intervening approximately nine years since the inception of my research. This cries out for the well-thought-through inclusion of African languages in classrooms, particularly when tutorials form part of the module. Such inclusion entails possible multilingual strategies, with translanguaging as an alternative for multilingual language policies in lecturers and different academic contexts. It would actually be an opportunity for the university that was my research site to use isiXhosa as an emerging formal academic language that “receives particular attention for the purpose of its incremental introduction into selected disciplinary domains, prioritised in accordance with student needs in a well-planned, well-organised and systematic manner” (Language Policy of Stellenbosch University, 2016:3, 9).

Owing to the notion of multilingualism as one the key features that describe the settings at which the pedagogical events at the university are located, this study offers a conceptualisation of multilingual education in law, with special emphasis on translanguaging as both a theory and a pedagogical practice.

5.6.6 *Multilingualism and law education (multilingual awareness in the law education curriculum)*

The contribution that this thesis offers has to do with the transdisciplinary element of the implementation of multilingual language policies in universities established in South Africa where the academic context is multilingual and characterised by students whose home languages are official in South Africa. These notions of multilingualism and intellectualisation of African languages of South Africa are currently topical and yet they remain a challenge in terms of implementation plans and strategies for universities with multilingual language policies. For similar situations to this case, this dissertation presents crucial considerations towards the intellectualisation of African languages in higher education, and law education in particular.

In the context of law education, the Higher Education Language Policy draft, which was revised in 2017, advocates sensitivity towards languaging in multilingual higher education contexts in South Africa – which include law faculties headed for the intellectualisation (that is the promotion of use in academic activities) of official indigenous African languages of South Africa in a practicable manner. This would, according to the Department of Higher Education and Training (2018:2), facilitate the critical role of language in accessing language skills and languaging (language use) necessary in higher education disciplines, such as law. This critical part would ensure the right of students to realise their potential to participate in and contribute to the social, cultural and intellectual existence of the community of South Africa. Hence, legal literacy should in this age include multilingual awareness that takes place outside the classroom and even the walls of the university. Papashane *et al.* (2014:661–669) also saw debates on topical issues held in the wider community outside the university as examples of the discourse for law pedagogy.

Freire and Macedo (1987:32–41) explained a view of literacy that provokes a dialogue in the mind in a manner that enables the learners *not only to read the word* with alphabets, but also to read the world as the environment in which they are situated; and subsequently to learn how to *write the world*, followed by how to *re-write the world*. This is a key point of address by Quinot (2012) in his view on transformative law education, which concerns relating what is in the study material at university to what is happening in the community that the students

are likely to serve beyond the walls of lecture halls; while creating pedagogical opportunities that allow students to engage rationally in communal terms.

When it comes to multilingual awareness in the law education curriculum in South Africa, it is important for law teachers or legal trainers to raise conscientisation with the students and legal trainees of the multilingual society that they are likely to serve after graduation. The notion of ‘translingual competence’ (Canagarajah, 2011; Kramsch, 2010) would thus be one of the outcomes related to graduate attributes where students can demonstrate competence in making language-related critical connections in interpreting legal content in communities through the lens of the indigenous African languages and cultural practices dominant in the communities of South Africa. These competencies would relate to the current official national languages of South Africa other than Afrikaans and English, which are already fully fledged, mainstream languages of teaching and learning that were used in 2010 and 2011 at the outset of my research and are still predominant in lectures and tutorials. Introducing multilingualism as a living concept in the law curriculum would be one way that the University could show commitment to multilingualism as the current language policy undertakes to do, particularly the promotion of the use of “isiXhosa as an emerging academic language” and sensitivity to the citizens of the country who find value in the use of African languages.

5.7 What adds to the distinctiveness of my study?

This section states the manner in which this study is distinct from the rest. The contrasts are highlighted in terms of methodology and themes in the field of applied language studies and literacy. Without re-stating exactly what is already pointed out in Section 1.10 of Chapter 1 of this dissertation, it is important to note that this study is not about language attitudes. This is also not about substituting other languages with African languages in academia as is commonly found in literature about the intellectualisation of African languages in universities located in South Africa.

The power of this research lies in the quality of correlating the findings with the real and current need in higher education language policy relevance and pedagogical practices at micro-level. I checked some of the data with current lecturers of Private Law 1. About the

limitations of my research, one lecturer said she was too busy at that time (towards the end of 2016) to review my dissertation, particularly Chapter 2 that deals with dual-medium dynamics. I approached the lecturer again via e-mail at the beginning of 2018 to verify content about the scope of Private Law 1 which includes commonly used phrases which are often confusing to the students, and she gave me feedback electronically to verify my observation. The content verification or validation process took place after this dissertation was presented to critical readers and also before and after it was submitted to examiners.

The unique nature of this study is also evident in terms of its participants. One might argue that the enrolment numbers of African-language-speaking students has escalated in universities located in South African in this decade. On the contrary, this is not the case in respect of students, particularly in the Private Law Department of this university, compared to 2010 and 2011. In fact, even in 2018, as confirmed with the University's Institutional Statistics Office, Private Law 1 students who speak African home languages still form a minority in a large class of English and Afrikaans home language speakers. Another unique feature of this study is that of giving a magnified picture of the experiences and challenges of an 11-strong group of home users of indigenous African languages in the context of an overwhelmingly large class of approximately 373 Afrikaans- and English-language speakers. The distinctive nature of the study also pertains to student participants with different schooling systems, namely, former Model C and under-resourced schools. In addition, these research results can positively inform responsible and practicable language implementation strategies at micro-level, that is, at pedagogical level, in class, outside the classroom and in online spaces. According to Cummins (2003:64), getting an opportunity to create knowledge in their mother tongue is a crucial factor in students' academic success, especially on university campuses where they are a minority. In the case of the University that was my research site, language policy implementation provided lessons learnt from findings regarding dual-medium (Afrikaans and English simultaneously) Private Law 1 lectures and parallel-medium (Afrikaans or English choice). Observations were that tutorials could still be useful in terms of offering micro-level implementation of the newly revised language policy which was approved in June 2016 and became effective as from January 2017.

In terms of research methodology, this study was not an interventionist study but an interpretivist case study that aimed at obtaining qualitative descriptions from an in-depth understanding of matters that related to the intellectualisation of African languages and

languages in academic spaces in and outside the classroom. Hence, conclusions did not rely on questionnaires placed at the student centres and libraries. Instead, conclusions of this study were based on analysed and interpreted data that counted on face-to-face contacts with the participants individually and as groups, questionnaires with closed and open-ended questions with sections for qualitative remarks. My engagement with these students took place over a period of more than a year, which meant that I could validate my data from a variety of data sets, including my observations of tutorials and classrooms. A point which should enhance the credibility of my study was that the student participants were not expecting favours in return, as I did not teach them directly, nor was I, as an academic researcher, in any position of direct superiority to student participants in a classroom situation.

5.8 Limitations

Constraints pertained to the strains of getting completed questionnaires back from the tutors and an inability to obtain personal lecture note-books and chapter summaries from all the participants. Nevertheless, with the documents that I had, I could gather valuable information on how notes were taken in class and styles utilised by students to formulate chapter summaries in writing. From this, I could ascertain academic literacy skills and bi- and multilingual use of English, Afrikaans and African languages. Another limitation had to do with the fact that this was not a comparative study per se, and taking that route later after the study had commenced could have broadened the data gathering spectrum, which would in turn require further ethical clearance formalities. I mention this because it could have been interesting to find out about the performance levels of the peers of the student participants who were not users of indigenous home languages of South Africa. That could have deepened understanding in terms of whether Private Law 1 academic literacy challenges were faced by the participants or not. The study produced authentic results derived from an authentic research thought. Owing to the ecology-sensitive nature of this study, this thought is more pertinent in the case of English-medium tutorials as an offering chosen by the participants over Afrikaans-medium tutorials.

5.9 How this study stimulated me

In view of my personal reflections on the tones of the students in line with the theoretical base and literature reviewed, I found it important to share the following reflections that

emanate from rich data and surprising findings, as well as my observations on what the study meant to me.

To start with, I learnt that students' perceptions do not develop in isolation. Minoritised languages do not require less intellectual capacity than the privileged languages. Instead, 'deprived' denotes lacking an opportunity to participate, that is: not privileged; unlicensed to function; undermined; disregarded; not given a rightful position to operate; under-ranked; and suppressed. A privileged language is promoted; set apart; held in higher regard; and licensed to function in a given context. However, that does not mean that a privileged language is always readily accessible. Without my journey along the path of this study, I would not have imagined, or I probably would have underestimated, the affective issues related to language use and the intrinsic attachment of human beings to language. It was, for me, a profound experience to learn about the shared sense of loss suffered by some university students who graduated from former Model C schools when lamenting the lack of choice of their African home languages as school subjects, despite these being bona fide official languages of the country. Language in education is not only a matter of the heart, but that of the mind as in academia. To use languages productively, a student has to be convinced of the worth of the language and be willing to use the language as an instrument of acquiring and constructing new knowledge that matters to him or her. This insight is in line with the conceptual foundation (adapted from Chrissie Boughey (2012) of this study on the goal of literacy development. Her insights regard students' dispositions, value, and willingness to use their home languages in academic learning ecologies as well the contextualisation and positioning of academic literacy events.

However, the thought that African languages are potentially operational only when academics are proficient in African languages can retard the progress towards the active and productive functioning of African languages in academia. This realisation laid a foundation for an investigation into the productive use of indigenous African languages in academic literacy development law programmes with first-year students who have not studied law subjects in schools. Accountable language implementation plans are those that pave a way towards humanising multilingual education that challenges the restricted use of African home languages by users of African languages to attain cognitive justice.

I am grateful to the lecturers who participated in my research for their contribution and for believing in the value of my study. I am also appreciative of the participation of the tutors despite expressed opposition to my research argument by one tutor. I thank all the tutors for signing forms for voluntary participation in my study and for allowing me to be a non-participant observer in their English LoLT tutorial sessions. Chapters 2, 3 and 4 report on the mixed affective manifestations of radicalism, hope and despair among the student participants. However, I also found a sense of agency and hope in terms of mindsets and reasoning about affordances for official multilingual learning that might feature their African home languages. I value the students' openness and commitment to the study even in the follow-up academic period, regardless of the nature of their responses. In Chapter 2 of this dissertation, Daniel (2005:276) is quoted as having said: "After alienation is unveiled, education begins." The students who participated in this study were proactive and did not wait for alienation to be unveiled for them to engage in meaningful learning by using their African home languages in a semi-organised fashion outside the classroom. They also independently translated Afrikaans material into English when they thought it was necessary, convened collaborative learning where they could translanguage and freely use their African home languages jointly with English. Some of them voluntarily attended the in-house academic literacy support programme even though they were not selected. This is where they thought that the use of their African home languages would be beneficial – an idea carried over from the use in tutorials. The multilingual African-language-speaking students who understood Afrikaans would sometimes form study partners with the Afrikaans-speaking students, and compare notes by discussing in both Afrikaans and English. They learnt the hard way, particularly in some tutorials where their epistemic access could have been maximised. Reflecting on the work of Thompson (2000:1–4) on the radical theory for emancipatory learning as an element of critical pedagogy, I realised that it is appropriate to say it differently. It can be said:

After critical consciousness-raising, renewal of the minds of minority students can provide a new spectacle of their home African languages as inherently capable to creatively engage in useful knowledge production in academia, and as far as the zone of professional service in multilingual communities where the users of these languages exist.

As I conclude my journey in research reporting, I realise now how much I under-ranked the intensity of students' determination to attain academic success. In spite of their yearning for academic support and their claims for languaging practices that denied them optimal learning,

the student participants devised coping mechanisms through peer support and use of their African home languages as a comforting hope outside the classroom. In this regard, Norodien-Fataar (2016:127) suggested a need to bridge the gap between the students' peer-based support practices and the academic structures of the university – in this case, language policy implementation strategy at faculty and departmental level. It is neither Afrikaans nor English that is a problem, but “the logic of monolingualism and the ethnic and class interests it serves” that must that is the enemy (Painter, 2015) to academic advantage. As much as a rigidly English-only or Afrikaans-only tuition is not fair to the students in a country with another nine official languages, a rigidly indigenous South African languages tuition will not be a good idea either. In fact, Mqgqashu (2004:162) foresaw that a monolingual indigenous African languages-only higher education system “would be insufficient, incorrect and perhaps misleading in a postcolonial context, regardless of the successful implementation of indigenous languages in countries such as Holland, Finland, Japan, China, Germany, Norway, France, and so on.” As I approach my concluding remark, I give tribute to the late Dr Neville Alexander for his activism against English-only tuition in multilingual academic contexts, and Prof Russell Botman for promoting the concept of the Pedagogy of Hope (Hopeful Pedagogies), which inspired me to reach for the level of writing this dissertation. This study challenges the minoritisation of African languages and an English-only mindset.

5.10 Concluding remark and opportunities for further research

Even though this study fell short of representivity of all African-language-speaking students and generalisability concerning a different profile of participants, it could provoke intellectual thoughts around, or inform, language policy implementation in similar academic situations. This could be pursued through utilising the gathered treasure of relevant understandings of the mindsets of students who are users of African languages at home around the intellectualisation of these languages in the Private Law 1 module. For instance, in terms of the student participants' reflections on their lived experience of language use in various Private Law 1 ecologies, what worked and did not work with the dual medium or bilingual translanguaging in lectures and in monolingual English-medium tutorials can give clues to a go ahead with responsible, realistic and gradual intellectualisation of African languages without having to wait for full development of these languages. Some of the claims might be general, but this does not mean that they are not real. They, in fact, confirm the existing massive body of knowledge about the complexity of first-year studying at university level.

Of course, due to the fact this was not a comparative study, it therefore lacked data that compared academic performance of the participants (African language-speaking students) with the rest of the entire group of students who were registered for Private Law 1 module in the same year across different home languages. Consequently, even though the low average pass rate of 45% by African language-speaking students seem to suggest their apprehensions and posing of student relations challenge, this study does not claim validity of the implied link made between low academic achievement with competence in the languages of teaching. Thus, the academic results could be related to other factors which may be different altogether such as those indicated by one of the lectures in a completed questionnaire, point number 5. of Addendum L.

Even so, understandings provided by this study are adaptable to various university departments for innovative compilation of language-in-education frameworks that are humanising.

This study has demonstrated that there are affordances for the use of African languages in tutorials that were set to be solely English LoLT ones. This study has revealed the feelings of disempowerment experienced by the student participants who were home users of African languages with an official status in South Africa, as a consequence of being in the minority in terms of numbers in a class. This is the reason for using the tutorial ecology as a platform of intervention in this regard. As Freire (1998c:6) insists, education is “that specifically human act of intervening in the world.” This intervention is feasible with English in conjunction with African languages as the literature reviewed regards monolingualism as the culprit – responsible for dropout rates and feelings of alienation. Prah (2007:25) argues that the Afrikaans journey could be a model for the acceleration of African languages at university level in South Africa. The study concludes by proposing African languages for academic purposes (ALAP) as a researchable field (beyond the Private Law 1 module), to develop over time an extended contribution in the economy of knowledge in South Africa. This view could open up the possibility of ownership of the episteme by those who have produced it with pride through tapping into their indigenous languages. Besides, this study has shown the successful initiatives and those that were not evaluated in terms of the level of success – which calls for evaluative research in ALAP.

Future research can be drawn from:

- the learning difficulties experienced by the African language-speaking law students and consequent academic literacy development situated in the academic literacy intervention spaces.
- students' misconceptions as birth of possibilities for infusing into the multilingualism conscientisation programmes in Private Law 1 or a linked module such as the Introduction to Law curriculum.
- dialogical skills where the students translanguaged between their African home languages and English outside the classroom.

Future studies can look at the extent to which involving the insights of traditional leaders from the communities where the indigenous African languages of South Africa are active can enrich the blending of the *multilingualism conscientisation syllabus*. Researchers can also acknowledge what already exists, that is translanguaging outside the classroom and investigate the extension of translanguaging into more mainstream ecologies including online platforms with the aim of advancing academic literacy relevant for law.

Researchers can thus engage in an investigation into how the *oral tradition of the African-language-speaking students* can be profitably used as a resource with the understanding that “talking can lead to improved writing” (Visser, 2009:1) in multilingual Private Law 1-specific academic literacy development programmes.

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ADDENDA

Addendum A1: Initial communication with the Dean of the Law Faculty

From: Lubbe, Gerhard, Prof <gfl1@sun.ac.za> [mailto:GFL1@sun.ac.za]
Sent: 08 February 2010 09:27
To: phumla@sun.ac.za
Subject: literary practices

Dear Phumla

I have looked at your proposal and it seems to me to address an issue of considerable importance. I accordingly have no difficulty in giving it the go-ahead, subject of course to the need to obtain ethical clearance for the project, as well as the consent from both students and academic staff that would be involved.

My only reservation relates to the fact that the very low percentage of Xhosa speaking students might pose problems for a study of this kind. I would suggest that you investigate this aspect before going ahead with the project.

Regards

Gerhard

Gerhard Lubbe
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Addendum A2: A letter of approval from the Dean of the Law Faculty



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Ms P Kese
Department of Curriculum Studies
University of Stellenbosch
phumla@sun.ac.za

Dear ms Kese

Re Research Project: Using isiXhosa to advance academic literacy practices of first year law students at Stellenbosch University

In response to the report of the Ethics Committee (3.4/2010) to your application for ethical clearance of the abovementioned project, I am happy to agree to the project being conducted in the Faculty of Law, provided of course that the Head of the Department of Private Law, prof JM Pienaar is also agreeable and the necessary consent form are obtained from the students.

I will also send a copy of this letter to ms Maléne Fouche of the Research Development Division, Stellenbosch University.

Sincerely,

Gerhard Lubbe
Dean

11 May 2010



Fakulteit Regsgeleerdheid • Faculty of Law

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**Addendum B1: A letter of approval from the Head of the Department of Private Law
(e-mail)**

From: Pienaar, JM, Prof <jmp@sun.ac.za>

Sent: 02 June 2010 12:03

To: Kese, PP, Mej <phumla@sun.ac.za>

Cc: Lubbe, Gerhard, Prof <gfl1@sun.ac.za>

Subject: RE: Consent to conduct research

Ms Kese,

Please find herewith attached an electronic version of my letter containing consent for the proposed research. I also have a hard copy available, which I will leave with the departmental secretary, Mrs van der Merwe. Her office is in the Old Main Building (Law Faculty), room 2013 and her extension number is X 3184 if you need to check whether she's in her office.

Please let me know if you need further assistance.

Regards

Juanita Pienaar

**Addendum B2: A letter of approval from the Head of the Department of Private Law
(electronic version)**



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Department of Private Law, University of Stellenbosch, Private Bag X1, **MATIELAND, 7602**, South Africa

Tel: (+27) (0)21 808 3199 Fax: (+27) (0)21 8866235 E-Mail: JMP@SUN.AC.ZA

2010-06-02

Ms Kese
Department of Curriculum Studies
Stellenbosch University

Dear Ms Kese,

CONSENT: RESEARCH REGARDING PRIVATE LAW 171

Thank you for the documents setting out your research proposal. I understand that you would like to conduct research relating to Xhosa speaking first year students enrolled for the compulsory **Private Law 171** module. I take note that the research entails, inter alia, attending some of the lectures and meeting with the relevant students.

I have discussed your intended research with the lecturer, Ms Lize Mills. We both agree that any research that may lead to improving the learning experience of first year students is not only welcomed, but is to be supported as far as possible. Please find herewith the necessary **consent** to embark on your research. Contact Ms Mills directly if you need further assistance in this regard. The Dean, Prof Gerhard Lubbe, has also conveyed his support for the Project.

Kind regards

Yours Sincerely

Prof Juanita M Pienaar

Head: Department of Private Law

**Addendum B3: A letter of approval from the Head of the Department of Private Law
(hand post)**



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2010-06-02

Ms Kese
Department of Curriculum Studies
Stellenbosch University

Dear Ms Kese,

CONSENT: RESEARCH REGARDING PRIVATE LAW 171

Thank you for the documents setting out your research proposal. I understand that you would like to conduct research relating to Xhosa speaking first year students enrolled for the compulsory **Private Law 171** module. I take note that the research entails, inter alia, attending some of the lectures and meeting with the relevant students.

I have discussed your intended research with the lecturer, Ms Lize Mills. We both agree that any research that may lead to improving the learning experience of first year students is not only welcomed, but is to be supported as far as possible. Please find herewith the necessary **consent** to embark on your research. Contact Ms Mills directly if you need further assistance in this regard. The Dean, Prof Gerhard Lubbe, has also conveyed his support for the Project.

Kind regards

Yours Sincerely

Prof Juanita M Pienaar

Head: Department of Private Law

Addendum C: *Informed Consent forms*



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CONSENT TO PARTICIPATE IN RESEARCH

Research title: Using African languages to advance academic literacy practices of first year law students in a multilingual university context.

Research subject/participants: Private Law 1 students

You are asked to participate in a research study conducted by **Phumla Kese**, holding the qualification of a Master's degree: Education Management and now pursuing PhD studies at and working as a lecturer in the Department of Curriculum Studies, at Stellenbosch University. Results from this research project will be contributed to her thesis and later a used as a research paper or publishable academic article.

You were selected as a possible participant in this study because it seeks to investigate academic literacy practices of Private Law 1 students who have an African language as a language of communication at home as well as symbol of cultural heritage. You were also selected as a potential participant in this study because you matriculated in one of the South African schools and your African home language holds an official national status. I would appreciate if you could share your experiences in coping with Academic English, both oral and written during your first year of study at Stellenbosch University as an African language speaker. Results will inform on the successful strategies that have to do with drawing on African languages expertise to advance English academic literacy Private Law 1 studies.

1. PURPOSE OF THE STUDY

The purpose of this study is that of developing a pedagogical (teaching & learning) framework that would provide academic literacy support to African language-speaking students who are struggling with English academic literacy in Private Law entry-level module. This framework could be adapted across disciplines. The idea is also that of providing guidelines to academic staff who are not familiar with African languages to be able to **allow** the students to use their mother tongue in order to **grow** academically and eventually attain competency in academic English understanding of law discourse.

2. PROCEDURES

If you volunteer to participate in this study, I would ask you to allow me to:

- interact with you at the times convenient to you for oral interview appointment; Please note that under no circumstances will the interviews coincide or interfere with the times for lectures or tutorials;
- sit in/observe in your Private Law tutorials/lectures; minimum of once a week from July until the end of classes for the second semester in 2010;
- observe in sessions with residential academic guardians (in mentoring clusters) very rarely;
- view your assignments upon request, only and if you comfortable with me doing so; and
- audio-record your conversations within 10 minutes after the previous lecture. No audio-recording will take place after 10 minutes have passed after the last lecture. The purpose for this is to get spontaneous and authentic data that represents how students felt about or else understood the previous lecture. For instance, their misunderstandings about assignment

instructions, concerns and excitements. This will only be done only three times throughout the research period and no data would be used without your approval as you have the right to edit or discard the data.

3. POTENTIAL RISKS AND DISCOMFORTS

This study is about academic literacy development. There are therefore no potential risks as research shall be conducted during the day, within the boundaries of the Stellenbosch University campus. Our interaction will be verbal, in writing e.g. cell phone text messages, telephonically, or through e-mails most likely for setting oral interview appointments. It will not entail exposure to any danger such as laboratory experiments and use of dangerous machinery.

4. POTENTIAL BENEFITS TO SUBJECTS AND/OR TO SOCIETY

This will benefit scholars in scientific research towards achieving excellence in teaching and learning and particularly optimising acquisition of knowledge in English by African language-speaking first-year students. Hence the developed framework is intended to also help academic staff with effective facilitation approaches in multilingual university contexts across disciplines in the Western Cape.

Another possible implication is that of shifting paradigms in relation to attitudes towards African language mother-tongue students and their parents. Considering that most African language-speaking students have a tendency of feeling ashamed of their home language while admitting that they struggle with academic English; (Aziakpono, 2008; Davit, et al, 2005 & Gules, 2005) and as a result feel left out, especially in learning environments where they are a minority (Marimba, 2009). This study would acclaim the identity of these students and address their sense of alienation.

5. PAYMENT FOR PARTICIPATION

The researcher does not promise any payment in cash or kind to the participants except for refreshments in meetings, faxes, telephone calls made, and travelling costs.

6. CONFIDENTIALITY

Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission or as required by law. Confidentiality will be maintained by means of assuring you that the results will be used for future educational and scientific purposes. Pseudonyms will be used in lieu of the participants' real names. You, the participant, shall have the right to review or edit the tapes and they shall be locked in a safe. To protect your voice from being recognized by the public, no one else except me, you and the researcher's academic promoter/co-promoter will have access to the material, unless upon law enforcement. It is only you who can allow me to disclose the information to another person other than the law enforcement. As indicated earlier on, results from this study will contribute towards the compilation of my thesis (research report) and research paper; however, anonymity will still be maintained throughout the thesis and research paper even upon publication of the results.

7. PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you don't want to answer and still remain in the study. The investigator may withdraw you from this research if circumstances arise which warrant doing so. I can ask for viewing of the contents of the research report in part of in full when practicable.

8. IDENTIFICATION OF INVESTIGATORS

If you have any questions or concerns about the research, please feel free to contact Pamela Phumla Kese (popularly known as Phumla), the sole researcher in this project or Prof Christa Van der Walt (her academic supervisor) at the following contacts:

Ms Phumla Kese (Faculty of Education, Department of Curriculum Studies)
Room 3016 GG Cillié; Ryneveld Street, Opposite Admin Building A
Tel: 021 808 3971 Mobile: 078 319 8414
Fax: 021 808 2295 e-mail: phumla@sun.ac.za

Prof C. Van der Walt (Department of Curriculum Studies)
Departmental Secretary: 021 808 2300
e-mail: cvd@sun.ac.za

9. RIGHTS OF RESEARCH SUBJECTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a research subject, contact Ms Maléne Fouché [mfouché@sun.ac.za; 021 808 4622] at the Division for Research Development.

SIGNATURE OF RESEARCH SUBJECT OR LEGAL REPRESENTATIVE

The information above was described to me, _____, the participant by Pamela Phumla Kese in English and Xhosa; and I, as the participant, is in command of both/one of these languages. I was given the opportunity to ask questions which were answered to my satisfaction.

I hereby consent voluntarily to participate in this study. I have been given a copy of this form.

Name of Subject/Participant

Name of Legal Representative (if applicable)

Signature of Subject/Participant or Legal Representative

Date

SIGNATURE OF INVESTIGATOR

I declare that I explained the information given in this document to _____ as the *participant* and/or his/her representative [name of the representative]. [He/she] was encouraged and given ample time to ask me any questions. This conversation was conducted in *English & Xhosa* and no translator was used to other African languages but I have given the potential participant adequate opportunities to ask questions and reassured them that they may pull out from participating in case they feel uncomfortable about anything at any time. Furthermore, I have explained to the potential participating students that they may have access to view the partial or else full results of the study whenever possible.

Signature of Investigator

Date

Addendum D: Institutional consent



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30 June 2010

Ms Phumla Kese
Dept of Curriculum Studies
GGC3016
Stellenbosch University
Private Bag X1
MATIELAND
7602

Dear Ms Kese

RESEARCH PROJECT 314/2010

"Using isiXhosa to advance academic literacy practices of first-year law students at Stellenbosch University"

With reference to ethical clearance report of the Ethics Committee for the above research application, institutional permission is granted to continue with the project with the Private Law 171 students and academic staff providing that you adhere to the findings and recommendations of the Ethics Committee as stipulated in their report.

Kind regards

(on behalf of)
PROF JAN BOTHA
SENIOR DIRECTOR: INSTITUTIONAL RESEARCH AND PLANNING

Copies: Ms Malène Fouché and Mr Sidney Engelbrecht, Division for Research Development



IE permission 314_2010 Phumla Kese.doc



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Addendum E: Research Ethics Committee (REC) letter for ethical clearance



UNIVERSITEIT • STELLENBOSCH • UNIVERSITY
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6 August 2010

Tel.: 021 - 808-9183
Enquiries: Sidney Engelbrecht
Email: sidney@sun.ac.za

Reference No. 314/2010

Ms P Kese
Department of Curriculum Studies
University of Stellenbosch
STELLENBOSCH
7602

Ms P Kese

APPLICATION FOR ETHICAL CLEARANCE

With regards to your application, I would like to inform you that the project, *Using isXhosa to advance academic literacy practices for first-year law students at Stellenbosch University*, has been approved on condition that:

1. The researcher/s remain within the procedures and protocols indicated in the proposal;
2. The researcher/s stay within the boundaries of applicable national legislation, institutional guidelines, and applicable standards of scientific rigor that are followed within this field of study and that
3. Any substantive changes to this research project should be brought to the attention of the Ethics Committee with a view to obtain ethical clearance for it.

We wish you success with your research activities.

Best regards



MR SF ENGELBRECHT

Secretary: Research Ethics Committee: Human Research (Non-Health)

Afdeling Navorsingsontwikkeling • Division of Research Development
Privaat Sak/Private Bag X1 • 7602 Stellenbosch • Suid-Afrika/South Africa
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Addendum F: Lecture observation guide (*Privaatreg 1/Private Law 1*)**A guide to indicators of student concentration and participation in lectures**

No. of periods per week: _____				
Week starting: _____ & ending: _____				
Indicate with a tick 'V' where applicable to indicate frequency				
Participation indicator	Date for lecturer 1: -----	Date for lecture 2: -----	Date for lecturer 3: -----	Comments:
Sitting upright				
Talking to someone next to him/her				
Laying head on the desk				
Busy with peers				
Shows interest in what takes place in class				
Asking questions in a plenary				
Seems confused				
Fidgeting				
Listening actively				
Jotting down notes				
Playful and often chatting				
Sitting next to an African language-speaking student				
Active participation				
Looks apprehensive when the lecturer asks him/her to speak				
Debating with confidence				
Shows interest in what takes place in class				
Active participation				
Can interpret task instructions accurately				
Other, specify				

<p>-Then he starts reading from a document in Afrikaans. (Translating along is a problem but he tries.) “<i>Will type the memo.</i>”</p> <p>- Reads a memo</p> <p>-Discourages the students from formulating notes as he speaks, claiming that he will type the memo up.</p> <p>-Write on the green board with chalk.</p> <p><u>Key content areas:</u></p> <p>- <i>Justa causa</i>;</p> <p>- Contractual remedies;</p> <p>- <i>Animus iniuriandi</i> (intentional damage e.g. to injure/hurt emotionally or defame); &</p> <p>- Prospective losses</p> <p>15H40: Starts Case No. 2</p>	<p>-The students mark their own assignments, relying on a memo orally read in Afrikaans and interpreted in English.</p>	
<p style="text-align: center;">Synthesis</p> <p>15H45: A quick analysis of Legal Case No. 3 and no wrapping up, the tutor realises that time is almost up with only 5 minutes left.</p> <p>- Informs the students that they will revise previous years’ tests in the next tutorial session.</p> <p>- The tutorial session is adjourned.</p>		
<p style="text-align: center;">Personal reflection by the researcher after the tutorial observation</p> <p>- He did not introduce me as an observer; maybe it was good for a smaller group as I was a non-participant observer anyway.</p> <p>-Tutoring style and techniques were distinct from the tutor I observed at the Wilcox building, who was apparently an aspired role model.</p> <p>- Language use problematic in terms of lack of spoken command and confidence to speak in English, which was the official LoLT of preference of the students (in an official English ‘medium’ tutorial).</p> <p>-Nevertheless, I am convinced that the tutor had adequate content understanding but needed further coaching in terms of facilitation tactics and training with English LoLT, as I believe he would be very beneficial for Afrikaans LoLT tutorial groups.</p>		

Addendum H: QUESTIONNAIRE TO PRIVATE LAW 1 TUTORS STELLENBOSCH UNIVERSITY: 2010

NB: You will remain anonymous in the research report as promised in the consent form. Feel free to express yourself truthfully and you may even disagree or challenge my point of view, this is research for public good.

Theoretical background & my argument: “Studies prove that there is a link between academic language use and academic performance within Higher Education (Kese, 2003), languages that students are good at can be employed as a resource in platforms such as smaller size tutorials and mentor sessions to compliment the application of the T-option or dual medium. From my experience and literature, while it can be an advantage to do so when the facilitator has background knowledge of the learner’s language, there are ways in which it can be effectively done without necessarily putting pressure on the academic practitioner to be proficient in all the different languages of the students.”

1. How big is your tutorial group? -----
2. How many indigenous African language students did you have in your tutorial class? -----
3. What is it that you, as a tutor for Private Law 171 find as a major difference in the way you conduct your classes as a tutor and the strategy (ies) used by the lecturers to facilitate learning?

4. Do you think allowing Xhosa/Xitsonga/Tswana/Zulu-speaking students to use their mother-tongue can be a big challenge for non-Xhosa speaking academic tutors? What problems do you foresee?

5. Would you support the idea of allowing (giving an opportunity but not forcing) Xhosa/Zulu/Tswana/Venda/Ndebele/Tsonga/Swati/Pedi-speaking students to discuss or first think in their mother tongue in tutorials even if it is an English-medium tutorial? -----
- 5.1 Support the answer given in 5. above.

- 5.2 Can you think of practical examples any other indigenous African language speaking students grapple with the demands of academic language usage in your classes and in assignments?

6. What facilitation of learning strategies do you normally use in class to explain concepts or areas where African language-speaking students seem to lack comprehension?

- 6.1 What worked well? -----
- 6.2 What facilitation strategy used did not work successfully to explain key law concepts? -----

6. General comments about the drawing on academic strategies gained in mother tongue to enhance understanding in English-medium tutorials. Think of reading, writing, speaking, thinking, listening, interpreting, analysing and deducing/making meaning of texts.-----

Thank you for your contribution to this research for Hopeful Pedagogies

Addendum I: Questionnaire to Private Law 1 lecturers

1. Have you taught Tsonga/Xhosa/Tswana/Zulu-speaking students within the last five years? 1.1 If yes, where (institution[s])?
- 1.2 Subject(s)/Learning area(s) & Level(s) of study?
- 1.3 In (a) multilingual context(s)? Approximate No. (s) of African language-speaking students in relation to class size (s)
- 1.4 Specific year(s)?
2. Can you think of any specific module demands/aspects of the curriculum that can be addressed through the introduction of using mother tongue perhaps in smaller group learning settings or else less-formal contexts within Higher Education?
3. In your experience, can you think of any specific/practical language challenges that Tswana/Xhosa/ Zulu/Tsonga students have grappled with?
4. In your view, how would future Private Law 1 students meet the specified module demands through this initiative?
5. Do you think the results from this study can be used to advance academic English?
6. Do you think the research results are likely to advance academic performance/Departmental success rate?
7. What do you think might be possible reasons for some academic staff at Stellenbosch University not to support the idea of allowing Xhosa/Tswana/Zulu usage by students in learning settings?
8. What do you think are possible reasons for some students who are non-native speakers of English and Afrikaans, not to draw on mother-tongue skills as powerful resources that they bring with “in the suitcase” as referred to by Dr Brenda Leibowitz, while they admit to be lacking English academic literacy skills necessary for the production of academic knowledge at tertiary?
9. What is your view of the direct link between language use in dual-medium lectures and in English LoLT tutorials with students’ academic performance levels?
10. How were the students who were identified to be in need of extra academic support or else attend study skills workshop/programme selected? Was the selection based on marks obtained on assessments or other?
11. Additional comments/suggestions:

Thank you for your contribution towards Hopeful Pedagogies!

Phumla Kese

Department of Curriculum Studies
021 808 3971

Stellenbosch University phumla@sun.ac.za
082 312 8904

Addendum J: Questionnaire to African language-speaking Private Law 1 students

A. PERSONAL DETAILS & LANGUAGE PROFICIENCY

- A1. Gender:
- A2. How many languages that are official in South Africa can you understand oral communication in? Name them in their order of proficiency:
 i) ----- ii) ----- iii) ----- iv) ----- v) -----
- A3. Are you fluent in both English and Afrikaans?
- A3.1 Which of the two languages do you have a better command of?
- A3.2 Why?
- A4. Which language is mostly used at home?
- A5. As modern day youth, do you perceive your African community language/home language/mother tongue as a shame or being almost valueless as some modern youth would. For instance: *“Where is my African language gonna take me anyway?”/ “What am I going to do with my African language?”*

B. ACADEMIC

- B1. Give a name and location of school where you matriculated.
- B2. Did you study your home language or mother-tongue in Grade 12?
 Higher/Standard Grade? Symbol obtained?
- B3. Which degree/qualification are you registered for this year?
- B4. With the verbal explanation and notes that I gave you as an introduction to the key concepts of this study, were you equipped/familiar with such skills and/or practices in Grade 12?
- B4.1 If yes, in which language were your academic literacy practices better developed?
- B4.2 List two academic literacy competencies that you have transferred to university and also regard as currently helpful with your law studies.
- B4.3 Do you think that sound academic literacy practices are crucial for meeting the demands of understanding lectures, doing assignments and performing well in tests? Yes/No?
 For instance, ...
- B5. Did both Private Law 1 modules strengthen your academic literacy competencies?
- B6. How did you perform in the first semester with the Law of Persons module?
- B7. Were you selected to attend the Academic Literacy Development Programme (ALDP) to support learning?
- B8. Did you attend the study methods workshop for Private Law students held at the Wilcocks Auditorium on Friday the 13th of August?
- B8.1 Have you gained anything new from the ALDP? /Was it worthwhile to attend? Any specifics of empowerment?
- B8.2 Do you think if those study skills were taught in mother tongue to the students who do not have a strong command of either languages of instruction in Private Law 1, their acquisition of the skills would improve and it would be even easier to comprehensively apply them in English medium classes? Please support your point of view.

C. CRITICAL REFLECTIONS

- C1. How did your level of academic literacy influence your first year performance at university so

far?

- C2. Do you think the T-option/dual-medium (One lecture presented simultaneously in both English and Afrikaans in one period) works well for you?
- C2.1 If yes/no, in which sense?
- C2.2 On the PowerPoint slides, do you think it would be better if English was a different colour print to Afrikaans? For instance: Would it make a difference in terms of the time spent trying to figure out where the one language starts or the other ends or searching for a slash to get to the beginning of the English version/translation?
- C3. What teaching strategy (ies) in Private Law 1 contribute (d) to your motivation and understanding of course work?
- C4. I have observed that the lecturer for Family Law encourages *attentive listening*? Was this important or less important to you?
- C5. When the lecturer encourages active participation during heated interaction in terms of discussion of cases, do you find it difficult to ask questions in big classes? / Have you not been asking simply because you had nothing to ask in the July/August lectures?
- C6. Mention one thing that you appreciate about the way the course is presented.
- C7. Did your high school education equip you with academic literacy skills? In which language(s)?
- C8. Did your academic literacy practices grow unconsciously? Which efforts did you pursue to advance them?
- C9. Do you think the implementation of dual medium influenced your academic performance? In what way? Please briefly explain or give an example of an occurrence.

**D. IN-DEPTH AND CRITICAL PERCEPTIONS OF THE INTELLECTUAL
CAPACITY OF AFRICAN LANGUAGES**

- D1. Do you think isiNdebele/isiSwati/isiXhosa/isiZulu/SePedi/seSotho/ Setswana Xitsonga and TshiVenda can be intellectually utilised in an academic setting? Share your perceptions of the potential of these languages in tertiary academic settings, particularly the Private Law 1 module.
- D2. What practical strategies do you think South African students can apply to draw from their mother tongue knowledge towards advancing their proficiency in the type of English used in the Private Law 1 module?
- D3. Give advice/commentary about the potential initiative of the use of African languages within the Private Law 1 module.

I am forever indebted to you for your valuable contribution to this academic research and
Ministry for Hope in Education & Educating for the Good.

Researcher's contact details: Phumla Kese

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Addendum K: an introductory brief about the notion of ‘academic literacy’ to potential student participants

What is academic literacy?

- Academic literacy refers to an “ability to produce academic work that portrays a clear argument” through the employment of analytical reasoning skills and an aptitude to give a critique as well as making meaning/finding underlying meaning out of texts through critical thinking. Through this, independence in learning can be achieved;
- It also requires one to understand different figures of speech such as metaphoric and ironic phrases; interpret graphical information; distinguish between a fact and an opinion; have an ability to interpret instructions, phrase meaningful questions and understand academic vocabulary;
- Entails responsible use and interpretation of punctuation in passages as well as structuring of texts such as numbering and sub-headings;
- Requires one to have basic understanding of numeric expressions and do basic calculations without the use of a calculator;
- It moreover refers to the “final production of the learner’s written work handed in for assessment” (Boughey, 2008; Granville & Dison, 2009).

Drawing from above work by Boughey (2008) and Granville, *et al.*, (2009), and my experience in the field, I can deduce that academic literacy is, (but not limited to) the ability to critically interpret information at one’s disposal, deduce meaning or gist and generate new knowledge in context of the discipline in which it is intended for. Other disciplines require doing basic numeric calculations, while others require one or a combination of: active listening, sound academic writing, analytical reading, deep reasoning, sensible talking, submission of academic tasks digitally, critical reading which could require identification of vested interests of the author.

References

- Boughey, C. (2008). Texts, practices and student learning: a view from the South. *International Journal of Education Research*, 47(3): 192-9.
- Granville. S. & Dison, L. (2009). Research and the First-Year Student: Opportunities for Learning. *Focus on first-year students’ Perspectives from South Africa and Beyond*. Stellenbosch-Cape Town: Sun Media.

Addendum L: Completed questionnaire by a Private Law 1 lecturer

1. Were you aware that you had Xhosa-speaking students in your multilingual Private Law 1 class in 2010?

Yes

2. Do you regard awareness about the language backgrounds of your students as being important?

Yes, it is important to know because it has an influence on your teaching e.g., will influence your decision to teach in English more than Afrikaans.

3. What are significant module demands that first-year students generally grapple with?

Work load, failing to prepare for class, balancing their academic obligations and social responsibilities, application of the work in tests and exams.

4. From your observations, did non-indigenous speakers of English & Afrikaans struggle more to successfully accomplish academic tasks? If yes, please give one or two examples of academic challenges experienced by these students.

It really depended on the circumstances. Some of the students struggled and some did not. The ones that adapted quicker to the university as a result of their mindset had better marks, and the students who did not show an interest in coming to ask for help or assistance did not do well (of which some of the reasons were only communicated after the final exams – when it was too late, for example, problems at home or not understanding the work).

5. In general terms, have you observed that senior /post-graduate students outperformed first year students registered for Private Law 1 in 2010?

Yes

6. In your view, how can the Xhosa knowledge that the students come to classes with, be recognised as academic capital to meet the challenges of being taught in a second/third or even fourth language?

Providing language specific tutorials?

7. Do you think tutors can play a role in allowing Xhosa/Tswana-speaking students to process information in their home languages when they do group work in tutorial sessions? How?

Tutors are more than willing to assist students with their work. If Xhosa/Tswana-speaking students would perform better if they were divided into a tut group for Xhosa/Tswana-speaking students that could be arranged and tutors can facilitate the groups. It could be possible to look for senior Xhosa/Tswana-speaking students to present these classes.

8. What do you think might be possible reasons for some academic staff not to support the idea of allowing Xhosa usage by students in learning settings, particularly in smaller groups or where it is practically viable?

Not having sufficient knowledge about the needs of these students by assuming that every student understands English and is comfortable with it.

9. What do you think are possible reasons for students who are non-native speakers of English not to draw on mother-tongue skills while they admit to have challenges with English academic literacy?

I think that they might be too scared to ask because they do not know whether such an option is feasible. They might feel ashamed because they don't understand.

10. Were there any Xhosa/Tswana-speaking students selected/identified as needing to attend the academic support (study skills) workshop that took place during the third term in 2010?

Yes

- On which basis were they selected to attend the workshop?

Selections were made purely on their academic performance.

Additional comment/suggestion:

***A deep expression of gratitude for your contribution to this research project!
Thank you for your contribution towards Hopeful Pedagogies!***

Contact details of researcher: Phumla Kese
021 808 3971 or 082 312 8904

Department of Curriculum Studies – Stellenbosch University
phumla@sun.ac.za

